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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF OREGON:

DURING THE

TENTH REGULAR SESSION,

1858---9.

THE EIGHTY-SECOND YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

SALEM, OREGON:
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1859.

ГЛАВНА ЗЪБНА СОПА ОБЕРОН

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, December 6, 1858.

In pursuance of law, the tenth regular session of the House of Representatives of Oregon Territory was this day begun at Salem.

Mr. Newcomb, of Jackson, called the House to order, and,

Upon his motion,

Mr. Gates, of Wasco, was elected Speaker, *pro tempore*.

On motion of Mr. Craner, of Linn,

C. P. Crandall was chosen clerk, *pro tempore*.

Mr. McInnich, of Linn,

Moved the appointment of a committee to examine and report upon the credentials of members elect.

The motion prevailed,

And the Speaker, *pro tem.*, appointed Messrs. McInnich, of Linn, T'Vault of Jackson, and Hedges of Clackamas, as such committee.

On motion of Mr. Holton of Josephine,

The House adjourned to 9 o'clock to-morrow morning.

TUESDAY, DECEMBER 7, 1858.

The House met pursuant to adjournment.

Mr. McInnich, from the committee on credentials, reported as follows:

MR. SPEAKER: Your committee on credentials, appointed to report who are duly returned as members of this House, have had the same under consideration, and beg leave to report the following members:

From the county of Marion,

B. F. Bonham, J. H. Stevens and Jas. H. Lassater.

From the county of Linn,

N. H. Craner, E. E. McInnich and J. T. Crooks.

From the county of Lane,

W. W. Chapman and W. S. Jones.

From the county of Benton,

Jas. H. Slater and H. B. Nichols.

From the counties of Curry and Coos,

William Tichenor.

From the county of Douglas,

A. E. McGee.

From the county of Yamhill,

A. Zieber and John H. Smith.

From the county of Wasco,

N. H. Gates.

From the county of Multnomah,

T. J. Dryer.

From the county of Washington,

Wilson Bowlby.

From the counties of Washington and Multnomah,

E. D. Shattuck.

From the county of Clackamas,

A. F. Hedges, B. Jennings and D. B. Hannah.

From the county of Columbia,

W. R. Strong.

From the county of Clatsop,
W. W. Parker.
From the county of Jackson,
W. G: T'Vault and S. Watson.
From the county of Josephine,
D. S. Holton.
From the counties of Jackson and Josephine,
Daniel Newcomb.
From the county of Polk,
Isaac Smith.
From the counties of Polk and Tillamook,
H. N. V. Holmes.

From the county of Umpqua, there seems to be some irregularity in the election, and that the seat will be contested; and as the contestants are not present, your committee recommend that the matter be laid on the table for the present.

On motion,
The report was adopted.

On motion of Mr. McIninch,
C. N. Terry was invited to administer the oath of office to members elect.

On motion of Mr. Hannah of Clackamas,
The House proceeded to elect a Speaker.
Mr. T'Vault of Jackson, was called to the chair.

Mr. Lassater of Marion,
Nominated N. H. Gates of Wasco.
On motion of Mr. Holmes of Polk,
Mr. Gates was declared duly elected Speaker by acclamation, and was conducted to the chair by Messrs. Holmes and Chapman.

On motion of Mr. T'Vault of Jackson,
House proceeded to the election of chief clerk.
Mr. Holmes of Polk,
Nominated James M. Pyle.
On motion of Mr. Holmes,
Mr. Pyle was elected by acclamation.

On motion of Mr. Hannah,
House proceeded to the election of assistant clerk.
Mr. McInnch of Linn,
Nominated H. W. Allen.
On motion of Mr. McInnch,
Mr. Allen was elected by acclamati o

On motion of Mr. McInnch,
House proceeded to the election of enrolling clerk.
Mr. McInnch of Linn,
Nominated J. D. Porter.
On motion of Mr. Lassater,
Mr. Porter was elected by acclamation.

On motion of Mr. Lassater,
House proceeded to the election of sergeant-at-arms.
Mr. Hannah of Clackamas,
Nominated E. C. McLane.
On motion of Mr. Lassater,
Mr. McLane was elected by acclamation.

On motion,
House proceeded to the election of door-keeper.
Mr. McInnch of Linn,
Nominated J. H. Brown.
On motion,
Mr. Brown was elected by acclamation.

C. N. Terry, notary public, by invitation, administered the oath of office to the several officers elected.

Mr. T'Vault of Jackson,
Introduced the following resolution:

H. R. 1. *Resolved*, That the clerk of this House be, and he hereby is instructed to inform the Council that the House is duly organized, and that it is now ready to proceed to business.

On motion,
The resolution was adopted.
Mr. Slater of Benton,

Moved that a committee of three be appointed to report rules for the government of this House.

Adopted.

The Speaker appointed

Messrs. Slater, Craner and Holmes as such committee.

Mr. McIninch of Linn,

Introduced the following resolution:

H. J. R. 1. *Resolved*, That a committee of two be appointed by the Chair, to confer with a like committee of the Council, to draft joint rules and regulations for the government of both Houses.

Adopted.

The Speaker appointed

Messrs. Craner of Linn, and Holmes of Polk and Tillamook.

Mr. Holmes of Polk and Tillamook,

Moved to adjourn until 2 o'clock.

The motion was lost.

On motion of Mr. Craner,

The rules of last session were adopted temporarily.

Mr. T'Vault, of Jackson,

Introduced the following resolution:

H. J. R. 2. *Resolved*, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Council, to wait upon his Excellency, Geo. L. Curry, Governor of Oregon, and inform him that the Legislative Assembly is duly organized, and are ready to receive any communications he may be pleased to make.

On motion of Mr. Chapman of Lane,

The resolution was laid on the table for the present.

Mr. Slater of Benton,

Introduced the following resolution:

H. R. 2. *Resolved*, That the Secretary of the Territory is hereby instructed to provide each member of this House with a copy of the Oregon Revised Statutes, and the Session Laws of 1856—7, the Session Laws of 1857—8; and the Journals of the last session, to be used by the members of this House, and returned at the close of this session.

Mr. Chapman of Lane,

Moved to amend the resolution of Mr. Slater, so as to read as follows:

Resolved, That the Secretary of the Territory be requested to inform this House whether there are any of the Statute laws of Oregon on hand for the use of members—if so, how many. If there are none, or not a sufficient number on hand, that he inform the House whether or not they can be procured.

The amendment was adopted.

On motion of Mr. Hannah of Clackamas,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Mr. Holmes of Polk and Tillamook,

Offered the following resolution:

H. R. 3. *Resolved*, That the clerk of this House be, and he hereby is instructed to furnish each member and officer of this House with six copies of Oregon newspapers; each member and officer making his own selection.

Adopted.

Mr. McIninch of Linn,

Introduced the following resolution:

H. R. 4. *Resolved*, That the door-keeper be, and he hereby is instructed to keep the hall of this House open and warm from eight o'clock, A. M. until ten o'clock, P. M., each day of the week.

Adopted.

Mr. Hannah of Clackamas,

Moved that the H. J. R. 2,

Of Mr. T'Vault of Jackson,

Be taken from the table and passed.

The motion prevailed.

The Speaker, in accordance with said resolution, appointed

Messrs. T'Vault, Hedges and Chapman,

A committee to wait on the Governor.

A message from the Council, by N. Huber, their clerk:

MR. SPEAKER: I am instructed by the President of the Council to inform the House of Representatives that the Council has organized by the election of Charles Drain, President; N. Huber, chief clerk; Wm. L. White, assistant clerk; H. H. Howard, enrolling clerk; D. S. Herren, sergeant-at-arms, and James L. Steward, door-keeper; and is now ready to proceed to business.

N. HUBER, Clerk.

A message from the Council, by N. Huber, their clerk:

MR. SPEAKER: I am instructed by the President to inform you that by order of the Council, a committee of two have been appointed to report Joint Rules for the government of the two Houses, and ask the appointment of a like committee on the part of the House.

Messrs. Ford and Steward were appointed on the part of the Council.

N. HUBER, Clerk.

Whereupon,
Mr. T'Vault moved to reconsider
H. J. R. 2.
The motion prevailed,
And the resolution was
Laid upon the table.

A message from the Council, by N. Huber, their clerk:

MR. SPEAKER: I am directed by the President to inform you that the Council have adopted the following resolution:

C. J. R. 1. *Resolved by the Council, the House concurring*, That a committee of two be appointed on the part of the Council to act with a like committee on the part of the House, to wait upon his Excellency, the Governor, and inform him that the Legislative Assembly is duly organized, and ready to receive any communications he may be pleased to make.

Messrs. Wait and Steward are appointed a committee on the part of the Council.

N. HUBER, Clerk.

Mr. Hannah of Clackamas,
Moved that the House concur in the
Joint resolution of the Council,
And that a committee of two be appointed,
To act with the joint committee of the Council,
To wait upon his Excellency, the Governor.
The motion prevailed.
The Speaker appointed
Messrs. T'Vault and Hedges as such committee.

Mr. Slater of Benton,
Introduced the following resolution:

H. J. R. 3. *Resolved by the House, the Council concurring*, That the Secretary of the Territory of Oregon be, and he hereby is required to procure from the Territorial Printer, or elsewhere, —— copies of the Revised Statutes of Oregon, for the use of the Territory, and that the sum of —— dollars be, and the same is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated; and that the Territorial Auditor be, and he is hereby authorized to audit and allow the same.

Mr. Craner of Linn,
Moved the resolution be laid on the table.
The resolution was laid on the table.
On motion of Mr. Hannah,
The House adjourned to meet at 10 o'clock to-morrow morning.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Monday, the 6th, and Tuesday, the 7th days of December, 1858.

JAMES M. PYLE,
Chief Clerk House of Representatives.

WEDNESDAY, DECEMBER 8, 1858.

House met pursuant to adjournment.

Present—Messrs. Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, Holmes, Jennings, Jones, Lassater, McInnch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Mr. Speaker.

Journal of yesterday was read, amended and approved.

Messrs. Parker, Stevens, Jennings, Zieber, Bowlby and Bonham were sworn by the Speaker.

Mr. Slater, from committee on
Rules for the government of the House,
Reported as follows:

MR. SPEAKER: Your committee, appointed to report rules for the government of this House, beg leave to report the subjoined rules of last session, and recommend their adoption.

JAMES H. SLATER,
Chairman of Committee on Rules.

On motion,
The rules were read by the clerk, as follows:

RULE 1. The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day. He shall immediately call the members to order, and, on the appearance of a majority of the members, shall cause the journal of the preceding day to be read.

RULE 2. Seven members, with the Speaker, or eight members in his absence, having chosen a Speaker, *pro tem.*, shall be authorized to call the House, and compel the attendance of absent members, make an order for their fine and censure, and may adjourn.

RULE 3. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an ap-

peal to the House, by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

RULE 4. The Speaker shall rise to put a question, but may state it sitting.

RULE 5. Questions shall be directly put in this form, to wit: "As many as are of opinion that (as the question may be) say aye; and after the affirmative vote is expressed—"As many as are of the contrary opinion, say no." If the Speaker doubt, or a division is called for, the House shall divide—those in the affirmative of the question shall first rise from their seats, and the number being announced, those in the negative shall rise.

RULE 6. The Speaker shall have a general direction of the House of Representatives' room, he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall have the right to name any member to bear messages to the Council, and to appoint all committees, subject to additional members, to be added upon motion.

RULE 7. The Speaker shall vote in all elections by ballot, and when the ayes and noes are called for, he shall vote—his name being called last: and in case of an equal division, the question shall be lost; and upon all other questions where the House is equally divided, he shall he shall vote upon the call of any member, and in case of such division, give the casting vote; or where his vote would make an equal division, the question shall be lost.

RULE 8 Fourteen standing committees, to consist of three members each, except the committee on judiciary, which shall consist of five members. A committee on elections, a committee on ways and means, a committee on education, a committee on the judiciary, a committee on claims, a committary on military affairs, a committee on roads and highways, a committee on engrossed bills, a committee on enrolled bills, a committee on Indian affairs, a committee on printing, a committee on corporations, a committee on commerce, a committee on counties. It shall be the duty of the committee on elections to examine and report upon the certificates of elections and other credentials of the members returned to serve in the House, and to take into consideration all other matters relative to contested elections which may be referred to them. It shall be the duty of the committee on ways and means to inquire into

the financial concerns of the Territory, and to make a detailed report of the same, and to take into consideration all such other business as may be referred to them; and each of the other committees shall take into consideration all subjects and matters which may be referred to them.

RULE 9. In case of any disturbance or disorderly conduct in the lobby, the Speaker (or chairman of the whole House) shall have the power to order the same to be cleared.

RULE 10. No committee shall sit during the sitting of the House without special leave; and all writs, warrants and subpœnas issued by order of the House, shall be under the hand and seal of the Speaker, attested by the clerk.

RULE 11. All questions relating to the priority of business shall be decided without debate.

RULE 12. After the journals are read, business shall be disposed of in the following order:

1. Petitions, memorials and remonstrances.
2. Reports from standing committees.
3. Reports from select committees.
4. Propositions and motions.
5. Second reading of bills, &c.
6. Engrossed bills read third time.
7. Bills, reports, and other business lying on the table.
8. Bills and other business of the House.
9. Other business of the Council.
10. Orders of the day.

RULE 13. The Speaker shall, upon each day, announce to the House the business in order, agreeably to the preceding rule; and no business shall be taken up or considered until the class to which it belongs shall be declared to be in order; but reports from the Governor may be read at any time.

RULE 14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate, and avoid personality; and no member shall impeach the motive of any other member's vote or argument.

RULE 15. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

RULE 16. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the clerk's table; and no member shall be held to answer, or be subject to the censure of the House for words spoken in debate, if any other member has spoken, or other business has intervened, after the words are spoken, and before exception to them shall have been taken.

RULE 17. When two or more members happen to rise at once, the Speaker shall name who is the first to speak.

RULE 18. No member shall speak more than twice to the same question without the leave of the House, nor more than once until every member choosing to speak shall have spoken.

RULE 19. While the Speaker is putting the question, or addressing the House, no member shall walk across or out of the House; nor when a member is speaking shall any entertain private discourse or pass between him and the chair.

RULE 20. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question—"Were you within the bar when your name was called?"

RULE 21. No member shall be permitted to record his vote on either side of any question, unless he was present in the House at the time such question was put, unles by unanimous consent of the House.

RULE 22. Upon a division and count of the House on any question, no member without the bar shall be counted.

RULE 23. Every member who shall be in the House when the question was put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced, and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request; and the question shall then be taken without further debate.

RULE 24. When any motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the chair, and read aloud before debated.

RULE 25. Every motion shall be reduced to writing, if the Speaker or a member desire it.

RULE 26. After a motion is stated by the Speaker, and read, it shall be deemed to be in possession of the House, but may be withdrawn at any *time before decision or amendment.*

RULE 27. When a question is under debate, no motion shall be received but to adjourn, to lie upon the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to re-commit, or amend; which several motions shall have precedence in the order in which they stand arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

RULE 28. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

RULE 29. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate of the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motions, no call shall be in order prior to the decision of the main question.

RULE 30. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous

question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE 31. Motions and reports may be committed at the pleasure of the House.

RULE 32. Any member may call for a division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out, being lost, shall preclude neither amendment, nor a motion to strike out and insert.

RULE 33. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

RULE 34. When a motion has once been made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof on the same or within three days thereafter.

RULE 35. When the reading of a paper is called for, if any objections are made, it shall be decided by a vote of the House.

RULE 36. The unfinished business at which the House was engaged the preceding adjournment, shall have the preference in the order of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of.

RULE 37. If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the succeeding day shall be permitted again to speak without leave.

RULE 38. Petitions, memorials, and other papers addressed to the House, may be presented by the Speaker, or by any member, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

RULE 39. A motion to adjourn shall always be in order; that, and the motion to lay on the table, shall be decided without debate.

RULE 40. It shall be in order for the committee on enrolled bills to report at any time when no motion is before the House. The committee can report without notice to the House, by handing the report to the principal clerk.

RULE 41. Every bill shall be introduced by motion for leave, or by order of the House, or the report of the committee. One day's notice at least shall be given of a motion to bring in a bill, and the member giving such notice shall state concisely the leading objects of the bill, for the information of the House, which motion may be committed.

RULE 42. Every bill shall receive three several readings, on three different days, previous to its passage, unless two-thirds of the House shall dispense with this rule.

RULE 43. First reading of a bill shall be for information, only, except bills from individual members, which may be refered at an ytime But if, on the first reading of a bill, objection be made, the question shall be—"Shall this bill be rejected?" If no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

RULE 44. Upon the second reading of a bill the Speaker shall state it is ready for commitment or engrossment; and if commited, then the question shall be whether to a select or standing committee, or to a committee of the whole House; the House shall determine on what day, but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

RULE 45. After commitment and report thereof to the House, or at any time before its passage, a bill may be re-committed.

RULE 46. All bills ordered to be engrossed shall be in a fair round hand.

RULE 47. No amendment by way of ryder shall be received to a bill on its third reading.

RULE 48. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

RULE 49. In forming a committee of the whole House, the Speaker, leaving the chair, shall appoint a chairman to preside.

RULE 50. Upon bills committed to a committee of the whole House, the bill shall be read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, (noting the page and line,) shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee and so reported to the House; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

RULE 51. All questions, whether in committee or in the House, shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

RULE 52. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole House.

RULE 53. The rules of proceeding in the House, shall be observed in a committee of the whole House, so far as they may be applicable, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 54. No standing rule or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business established by the rules of the House, be postponed or changed except by a vote of at least two-thirds of the members present.

RULE 55. No member shall absent himself from the service of the House, unless he shall have leave or be sick and unable to attend.

RULE 56. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his abilities, and shall be deemed to continue in office until another be chosen.

RULE 57. The duty of door-keeper shall, be to give notice to the

House of all messages, to carry all messages the House may require—private as well as public. When requested to call a member of the House, he shall do so by name; he shall keep the House clean, and have a good fire made therein by the hour of 9 o'clock in the morning, when the weather requires it.

RULE 58. It shall also be the duty of the door-keeper to attend the House during its sittings, to keep the Representative Hall and committee rooms in perfect order, and in all things to execute the commands of the Speaker, and of the House, from time to time.

RULE 59. It shall be the duty of the sergeant-at-arms to attend the House during its sittings, announce all messages, preserve order in the lobby of the Hall, and to execute all processes issued by authority of the House, and directed to him by the Speaker.

RULE 60. No person shall be allowed to smoke in the hall or lobby thereof, while the House is in session.

RULE 61. The Clerk shall keep a journal of the decisions of the Chair, to be inserted at the close of the journal of the House.

RULE 62. On the final passage of every bill the yeas and nays shall be taken.

On motion of Mr. Lassater,
The report of the committee on
Rules for the government of the House,
Was adopted,
And the committee discharged.

Mr. T'Vault of Jackson,
Introduced a bill, entitled
H. B. 1,
To be entitled,
"An act to recover possession of a Mining Claim and Water Ditch."
There being no objection,
It was passed to a second reading.

Mr. Lassater of Marion,
Introduced the following resolution:

H. R. 5. *Resolved*, That on the first reading of bills originating in this House, the sergeant-at arms be required to furnish this House one hundred printed copies of the same for the use of the members.

Adopted.

On motion of Mr. Craner,
The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment.

The following Standing Committees were announced by the Speaker:

Judiciary—Messrs. Chapman, Craner, T'Vault, Bonham and Shattuck.

Ways and Means—Messrs. Bonham, Crooks and Holton.

Claims—Craner, Hedges and Slater.

Education—Lassater, McIninch and Shattuck.

Military Affairs—Chapman, Holton and Hannah.

Roads and Highways—Holmes, Stevens and Jones.

Engrossed Bills—Hannah, Zieber and McGee.

Enrolled Bills—McIninch, Smith of Yamhill, and Nichols.

Indian Affairs—T'Vault, Tichenor, and Smith of Polk.

Printing—Zieber, Dryer and Bonham.

Corporations—Newcomb, Stevens and Strong.

Commerce—Tichenor, Stevens and Dryer.

Counties—Hedges, Newcomb and Watson.

Elections—Jennings, Holmes and Slater.

Joint Committee on Enrolled Bills—Holton and Parker.

Mr. Holmes of Polk,
Introduced a bill,
H. B. 2, entitled
An act to incorporate Friendship Lodge, No. 6, I. O. O. F.
There being no objection,
The bill passed to a second reading.

Mr. Slater of Benton,
Moved to reconsider the adoption of
House rules, adopted this morning.
Motion adopted.

Mr. Chapman of Lane,
Moved to so amend House rules, as to strike out the words "any other" in the 34th rule, and insert the following: "or next succeeding."
On motion of Mr. Chapman of Lane,
The same was laid on the table.

Mr. T'Vault, from the joint committee
To wait on the Governor,
Reported as follows:

MR. SPEAKER: Your committee appointed to act with a similar committee on the part of the Council, to wait upon his Excellency, Geo. L. Curry, Governor of Oregon Territory, and ascertain at what time it would suit his convenience to communicate with the Legislative Assembly, have in part discharged their duty, and report that his Excellency, Geo. L. Curry, has appointed the hour of 3 o'clock, P. M., to-day, at which time he will meet the Legislative Assembly in the Representative Hall.

W. G. T'VAULT,
Chairman of Committee.

On motion of Mr. T'Vault,
The report was adopted;
And the committee discharged.

Mr. Hedges, of Clackamas,
Moved that the members and officers of the Council be invited to

be present during the delivery of the message of his Excellency, the Governor.

Adopted.

A message from his Excellency, the Governor of the Territory of of Oregon:

Fellow citizens of the Legislative Assembly:

Contrary to the general expectation prevailing a year ago, the requirements of a form of government, which the people have taken measures to supersede, have occasioned another session of the Legislative Assembly of the Territory. I am not aware that there has been any change in public opinion since the emphatic declaration at the polls in favor of a State organization. Indeed the argument in support of such a change in the form of our government, has become more conclusive and is gathering additional force with every day's experience, from causes which are exerting an influence in every department of practical life. The opening of new channels to commerce, and new and extensive foreign markets for American productions, are circumstances involving in a very material manner the interests and welfare of our population. Active, beneficent, energetic industry is everywhere seeking to enlarge its field of labor, and to increase its means of usefulness—subjugating the elements—tracking the untrod avenues to wealth—disclosing and creating, as it were, new principles of power—fresh resources of national greatness and prosperity, in enterprises as marvelous as the results are magnificent and gratifying, in conducing to the advancement and happiness of man.

The brilliant prospects of the communities upon the Northern Pacific slope of the continent, are plainly gleaming in the future. Oregon should be in a political position to enable it to aid in controlling, or at least successfully resisting, the combinations of circumstances and influences, which may soon be brought to bear against American interests in this quarter of the world, and to realize such benefit and suecess as its situation, capacities and the enterprise of its citizens may justly award it. As a Territory it is helpless and insignificant; as an independent sovereignty in the Union, it can wield a power that may command its destiny. The complete development and successful application of all our resources

—hitherto indifferently managed, or comparatively neglected—to the permanent establishment of a commercial, manufacturing and mechanical destinction, in addition to our already well-earned agricultural reputation, is a consummation to be wholly and satisfactorily achieved only through the instrumentality of political sovereignty. We have claims to demand of the general government, which, our experience as a Territory incline us to the belief, can be obtained but through a State representation in Congress.

Notwithstanding the accumulation of doubt which has settled upon the question, we indulge the hope, that, at the present session of Congress, Oregon will be admitted a State in the Union. If its population is numerically insufficient to entitle it to a representative in Congress, and, after all, it is to be excluded on that account, we shall be obliged to hold the general government itself, in a great measure, responsible for that circumstance. For several years past, the main thoroughfare between the settlements on either side of the Rocky mountains, has been permitted to be encompassed by such imminent danger, as to preclude the possibility of any augmentation to our population by the overland route, the important and usual source of such increase. However mortifying the fact, it is nevertheless true, that a nation as great as the United States, for a series of years, has maintained no safe and certain communication with its Territorial dependencies through its own domain. The lives and property of the immigrants have been exposed to all manner of peril, and have not, unfrequently, fallen a sacrifice to Indian atrocity, or served to glut the cupidity of the Mormon. The 14th section of the act organizing the Territorial government of Oregon, would seem to be an inviolable guarantee of our right to admission, as our population most unquestionably exceeds the number therein required. Most assuredly we ought to insist upon the fulfilment of the terms of that compact in this respect, although in other particulars it be repugnant to the Constitution. If, notwithstanding, our legitimate claims are to be ignored, and Oregon is to be remanded to its Territorial condition, I shall regard it as among the most unhappy events which could have befallen us. Oregon has been for more than ten years a populated Territory of the United States, and governed as such. For several years, extending beyond that period, its inhabitants had exhibited their capacity for self-

government, in all of which time they have been loyal to the Union. Indeed, the American citizens who settled here at an early day, were mainly instrumental in preserving the Territory to the United States. Several years since, in a memorial to Congress, the people of Oregon sought such changes in their organic law as would ameliorate it very materially, and make it more generally acceptable. Notwithstanding the unsuccessfulness of the effort, the order-loving, law-abiding character for which they have always been distinguished, remained unimpeached. Among them there has been no senseless rabble, to violate the laws, or fanatical excitement to engross the attention of Congress, to the exclusion of the legitimate and more important business of the nation.

The Territorial system of government, as a policy of the federal government, was inaugurated by the Congress of the confederacy of the original thirteen States, on the eve of the formation of the Constitution, in an act "to provide for the government of the territory of the United States north-west of the river Ohio." Eminent men of the times viewed with distrust this new feature in the operations of the government, and the adoption of the Constitution was urged as a protection against such "unwarrantable and dangerous exercise of power." The continuance of the system cannot be sustained by any strict construction of the Constitution. It is an infringement of that instrument. It does not accord, harmoniously, with the spirit of our institutions. It is wrong in principle. There is no provision of the Constitution which confers the right to acquire territory to be retained as territory, and governed by Congress with absolute authority. Nor, by the terms of the federal compact, can the people of the United States, who choose to go out and reside upon the vacant territory of the nation, be regarded as mere adventurers, without individual, or political rights, and be made to yield a ready obedience to whatever laws Congress may deem best for their governance, and to pay implicit deference to the authority of such officers as may be sent out to rule over them. No such power has ever been delegated by the sovereign people of the sovereign States to the government of the United States, and no such principle underlies the government. Our government is composed of a union of independent States or sovereignties. The people of these several States have conceded to the general government the exercise of cer-

tain powers, which are expressly named in the Constitution, and withheld certain other powers which are just as particularly stated therein. Each State exercises within its own boundaries the rights of sovereignty appertaining to its own affairs, and restricted only in the use of those powers it has already delegated to the general government, whose authority is supreme over each State, and the entire Union, only within the extent of the power conceded to it.

The Supreme Court of the United States have already established the fact that there has been unconstitutional legislation on the part of Congress in respect to the Territories. And in reference to that clause of the Constitution which gives Congress the power "to dispose of and make all needful rules and regulations respecting the territory, or other property of the United States," which is contended for as the source from which Congress derives the power to govern the Territories, that tribunal has also clearly determined that no such power exists therein. In the language of the opinion: "It was to transfer to the new government the property then held in common by the States, and to give to that government power to apply it to the objects to which it had been destined by mutual agreement among the States before their league was dissolved. The words 'needful rules and regulations' would seem also to have been cautiously used for some definite object. They are not the words usually employed by statesman when they mean to give the powers of sovereignty, or establish a government, or to authorize its establishment."

In our experience and progress as a nation, this question of the authority of Congress over the Territories, is assuming a most grave and serious aspect. Already a powerful political party in the country is contending for a principle, which, if acknowledged, would carry with it the absolute sovereignty of Congress over the Territories—the subversion of individual rights, which are guarantied to every citizen of the United States—the consequent utter violation of the Constitution, and the probable disrupture of the government.

In my judgment, Congress has no constitutional authority to establish governments anywhere upon the public domain, or to create and ordain any species of constitutional or organic law for the government of any civil community anywhere within the boundaries of the United States. Nor is it requisite for the welfare, growth and prosperity of the republic, that Congress should exercise this extraordi-

nary power. Happily the genius of our government, and the Constitution itself, afford ample provision for the preparation and development of the incipient State, with a view to its ultimate assumption of independent sovereignty in becoming a member of the confederacy.

The Constitution expressly gives the power to enlarge the territorial limits of the United States by the admission of new States, and by that means only.

The States of Texas and California came into the Union legitimately, without any previous political existence under Congressional or Territorial rule. Yet both had an active, practical political sovereignty for sometime before their admission. It may be said that within the boundaries of the State of Texas, the eminent domain was never possessed by the United States—that the fee simple to large tracts of the territory of California was in the occupants of the soil, by action of the Mexican government, prior to the acquisition of that country. Nevertheless, I undertake to say, that the establishment of civil communities, composed of American citizens, respecting the Constitution and laws of the United States, upon the public territory, outside and beyond the boundaries of the several States, need not necessarily involve any conflict as to the title to the soil. A possessory interest vests in them at the time of settlement, by reason of the landed policy of the government, if from no other cause, and it is only a question of time when that interest shall be fully and perfectly established and identified in the individual.

Such communities, also, have the indefeasible right to govern themselves in accordance with the Constitution, and in subordination to the government of the United States. The principle of community independence, or the independence of the body politic, was the cause of the origin of the nation. It was achieved by the wisdom and valor of our ancestors, and comes to us baptised in the blood and fire of the revolution. Upon it rests the beautiful fabric of our government, which could not otherwise exist, for the Union itself is dependent upon the principle of community independence. Ought a nation that recognizes this principle in every phase of its organization—in its township formations, its county formations, its State formations, deny it to a body of its own citizens associated in the wilderness?—There is no necessity, or constitutional authority for Congress to organise governments for such communities—to assign them executive

officers not of their own selection—to prescribe a form and limit for their legislation, and to assume the right to disapprove their laws. The judicial power of the government alone can exercise the power to decide upon the constitutionality of legislation. Legislative powers only are vested in Congress, and only such as are granted by the Constitution, and that body therefore cannot assume the functions of a co-ordinate branch of the government. Congress can impart no more permanency and perfection, by any act of organization, to such temporary form of government, than it possesses of itself.

I claim for these inchoate States no rights of absolute or independent sovereignty. They are as responsible to the federal government, in every essential particular, as they would be under a Congressional act of organization. And while they are progressing in their social and political development towards the period when they shall be fitted for membership in the confederation of sovereignties, they are entitled to the fostering care of the parent government, in the extension of such laws, policies and systems as may be best caculated to promote their welfare and prosperity, and hasten the period when they may be qualified to assume the powers of sovereign States.

I am admonished, by the present peculiar condition of the political existence of Oregon, of the delicate nature of the topic under consideration. I sincerely trust I commit no indecorum in my manner of acknowledgment of the customary annual courtesy extended by the Legislative to the Executive department of the government. In respect to the subject of the Territories, I could not say less in justice to myself and the people with whom I have been agreeably associated for so many years. We all love our country—the great and glorious union of States, whose brilliant progress in the development of social and political excellence, and the attainment of practical and scientific wisdom, is challenging the admiration of the world. We love her with a devotion that may not be questioned—from the Atlantic sea-board to the more genial Pacific coast—from the lake-bounded North to the extremest sunny South—no one part more than another, and not one section less than the whole. But while the sentiment of patriotism inspires our hearts, it should never blind our judgment, or embarrass our speech in behalf of that which is clearly right and just, and in defence of those very principles which are the immutable foundation of the republic.

The subject of a railroad across the continent, has now agitated the public mind for several years, and has been the theme of much discussion in the halls of Congress. That the present session may not terminate without some definite action in favor of so worthy an enterprise, is the fervent wish of every one who has the least concern in the welfare and improvement of the country. The steady accumulation of American interests on this coast, their importance and increasing magnitude, ought to command a commensurate regard.

A railroad communication between the Atlantic and Pacific seaboards, is certainly as much for the benefit of one section of the country as an other. Congress should facilitate the undertaking by every means consistent and proper. In a military point of view, it is essential to the nation as a means of protection and defense. It is needed by the government in the transportation of troops and sup-

In this respect alone, it would save millions to the country. It would prove of national benefit in a variety of ways, but in none more than in equalizing population. In those too densely crowded localities in the eastern States, where the suffering poor eke out a miserable existence, what moral service would be rendered by furnishing labor and its means to the unemployed and destitute, thus preventing crime, and adding to the wealth of the State. Here, in Oregon, there are homes for the homeless, and wealth for the impoverished. Towards the improvement of the country, I would give more for one honest-hearted, industriously disposed immigrant, who does not despise labor, and is not ashamed to work, than I would for dollars of capital. Here on the Pacific coast, we ask for people, not money.

What untold affluence! what advancement in civilisation! what magnificent national results will be the consequence of the successful completion of this great work. The recent inducements to intercourse and trafic with Japan, and the more recent treaty with China, by which our commercial relations with that rich and populous empire are made more intimate and extensive, should excite a laudable ambition to obtain and control this profitable trade. With the most perfect and best appointed steam marine on the sea—with two of the first harbors in the world upon the Northern Pacific, and one or more lines of railroad to the Atlantic side, what nation would be likely to compete successfully with the United States in commanding the ad-

vantages of Asiatic commerce, which eventually must become the most important and opulent on the face of the globe. As for the route, we ask for one over such ground as will soonest afford us the benefit of the road. It is not supposed that in the present condition of the Treasury, an appropriation will be made in money; I am not aware that it is desired, but liberal grants of land will do more towards the accomplishment of the object, than a definite amount in dollars and cents. Whatever is done must be done at once, and quickly, unless the people of the United States are disposed to allow a foreign power to perfect the work and reap the harvest which will inevitably result therefrom. I would respectfully suggest the propriety of an earnest memorial to Congress, asking its immediate action in behalf of this object. I know that this is a hackneyed usage that has availed us little or nothing in the past—our memorials being seldom heard from, or never received—yet I recommend its observance in this case, with the hope that our persistency may luckily meet with some appreciation. The constant dropping of water will wear away the rock.

The present age has witnessed the eighth wonder of the world, in the accomplishment of telegraphic communication between the old and new worlds. The extraordinary benefits which will accrue to civilization from this event are almost incalculable. It is a gratifying fact that every triumph of science and art is an amelioration of the condition of mankind. The closer that nations are brought together, the less liability is there of differences to be ajusted by a resort to war. Revolutions may occur, but they will be peaceable revolutions, accomplished by the comparison of ideas and policies. They will be none the less effectual in the cause of human progress, because they are not acheived by battle and bloodshed. The mission of the Telegraph, however, will be regarded as incomplete, until its wires cross the continent as they do the sea.

In the early part of the past spring, a few renegade Indians from various tribes, who had refused to be placed upon the reservation, killed two citizens, and committed other hostile acts, and occasioned much alarm and annoyance to the settlers in the vicinity of the mouth of Rogue river.— Upon the petition of the citizens of the county generally, I approved the temporary enrollment of a small volunteer force for the protection of that section, until communication could be

had with Gen. Clark, in command of the military department of the Pacific, whose prompt action and regard for the welfare and security of the country at large, I am happy to acknowledge. Through the judicious management of the volonteers, and agents of the Indian department, however, these depredations were stayed, by the apprehension and removal of the Indians. I beg to suggest the propriety of making some provision for the payment, after proper auditing, of the necessary expenses incurred by the volunteer organization to which I have alluded, which, under the circumstances, cannot be very considerable in amount, I have, otherwise, nothing new, or particular, to communicate respecting Indian affairs so far as Oregon is concerned. The wise establishment of a military garrison at Walla Walla, has served to protect our northern frontier.

The eastern part of our sister Territory of Washington, has quite recently been the scene of active military operations against certain Indian tribes who had evinced their hostility in repulsing a force of U. S. troops which had entered their country on a march to Fort Colville. A strong military column was promptly dispatched to punish and subdue them. Several engagements occurred, resulting in the discomfiture of the Indians and their ultimately suing for peace, which seems to have been granted them as the troops have since returned. It is to be hoped that these Indians, as well as the tribes adjacent to them, have been sufficiently impressed with the power of the government, to maintain hereafter, amicable relations with our people.

It is a matter of congratulation, that by a late order of the war department, the Territory of Washington and part of this Territory, (it should have included the whole of it,) have been created a distinct military department, and an officer of high professional worth and ability, in the person of Gen. W. S. Harney, has been assigned to command it. He has recently arrived and assumed the discharge of his duties, with that promptitude and zeal which cannot fail to promote the efficiency of the service and the general security of the country. His recision of the military order excluding from settlement our Territory east of the Cascade mountains, which had been invited by laws of Congress, is an assurance against any similar invasion of our rights, while his brilliant military renown is a guarantee of protection against acts of Indian hostility.

The organization of this new military department will afford a reassurance to immigration. With a garrison of U. S. troops at, or in the vicinity of Fort Boise, sufficiently strong to extend protection, if necessary, beyond that point, we may regard the immigrant trail as once more open, and comparatively safe, and may reasonably look forward for those accustomed yearly accessions to our population, of which we have been so long deprived.

The Board of Commissioners on the part of the United States to adjust the Indian war expenses, concluded their labors by a supplemental report, a copy of which I have the honor to transmit. The United States having assumed this debt, it is certainly time that some provision was made for its payment, which should be done speedily, or the original and meritorious claimants, suffering from the unjustifiable delay, may be compelled to part with their claims to the speculator, at a great pecuniary sacrifice. If a direct appropriation in money cannot be made at the ensuing session of Congress, that body ought, at least, to authorize the issue of government bonds, drawing an ordinary rate of interest in favor of these creditors of the government, or make some other suitable and satisfactory arrangement for their relief.

Within the past year, I have declined to make a requisition upon the Executive of California for the delivery of a fugitive from justice. I was induced to this course from the fact, that not only had these requisitions occasioned large expenditures from the Territorial treasuary, without securing any satisfactory result subserving the ends of juctice, except in a solitary instance, but the ordinary difficulties and uncertainties attending the successful demand and removal of such fugitives were greatly multiplied by the intimation of an opinion touching the constitutional obligation of an Executive of a State, to surrender a fugitive on the requisition of the Executive of a Territory, in a judicial decision which had lately been delivered in that State, and which set free, to prey again upon society, certain criminals, who else would be now with their accomplice, realizing the wages of crime in our penitentiary. The sovereignty of California can practically supply any real, or apparent deficiency of the Constitution in this particular, and its legislative power should do so at once, rather than an exemption should occur in the punishment of crime, which must unavoidably tend to its commission. Until the Legisla-

ture of California shall have amended the laws of the State, so that there shall no longer remain a question as to the authority of a Territory to demand its fugitives from that State, I regard it as utterly futile, and a useless and inexcusable tax upon the public treasury to pursue the method prescribed by our Statutes in the extradition of criminals, so far as the state of California is concerned.

I would beseech your active sympathy in behalf of a class of individuals unfortunately increasing in our midst. The provisions made by law for the insane, are quite inadequate. Humanity requires not only that they should be taken care of, but that every possible effort should be made to restore reason and re-establish the mind. There should be an Asylum for the Insane within the Territory. It should be a public institution—at the service of the several counties, as well as the private citizen upon the payment of a stipulated sum. It ought to be so regulated and conducted, as not to be a charge upon the Territorial treasury, although the people, no doubt, would pay a tax uncomplainingly towards its support. Whatever action you may be pleased to take towards the accomplishment of an object so humane and benevolent, the State, should it be admitted in the meantime, no doubt would forward and complete.

Inasmuch as the Executive is not a part of the law-making power, I refrain from an expression of my views in regard to some questions upon which you may be required to act, and in reference to which, a wide difference of opinion exists in community.

I desire to call your attention to the necessity of some provision for the safe-keeping and preservation of the Territorial arms, as well as the public records in the offices of the Adjutant General and Quartermaster General of the Territory. Those records embrace the duplicate papers to which reference is made in the reports of the Commission on Indian war expenses, and consequently, are of great interest and value.

I beg to submit a copy of correspondence with the Secretary of the Interior in relation to public buildings; also, a report from the Adjutant General as to the special volunteer service in Curry county.

Invoking a continuance of Divine favor, and with the confident hope that your deliberations may result in such legislation as shall

be judicious and satisfactory, I assure you of my readiness to co-operate with you in all things for the public good.

GEO. L. CURRY.

EXECUTIVE OFFICE, Dec. 6, 1858.

Mr. T'Vault of Jackson,

Moved that one thousand copies of the Governor's message and the same number of each of the Accompanying Documents (See Appendix) be printed for the use of the members and officers of this House.

The motion prevailed.

On motion of Mr. Hannah,

The House adjourned to meet at 10 o'clock to-morrow morning.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Wednesday, the 8th day of December, 1858.

JAMES M. PYLE,

Chief Clerk House of Representatives.

THURSDAY, DECEMBER 9, 1858.

House met pursuant to adjournment.

Present—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Holton, Holmes, Jones, Lassater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, and Mr. Speaker.

Journal of yesterday was read and approved.

Mr. Chapman

Introduced a petition,

Of Edwin Powers and others, praying the relocation of a Territorial road from Oregon City to Pleasant Hill.

On motion of Mr. Chapman,

Referred to

Committee on roads and highways.

Mr. Craner
Introduced a petition,
Of Philester Lee, for a divorce,
And moved that the same be referred to the
Committee on ways and means.
Mr. Slater
Moved to amend by referring to the
Committee on roads and highways.
Amendment lost.
Mr. T'Vault
Moved to amend by referring to
Committee on judiciary,
Which amendment was sustained.
The motion recurring upon its reference to the
Judiciary committee,
Was concurred in.

Mr. Stevens
Presented a petition of C. M. Walker, D. Chapman and B. M. Robinson, asking for a charter for a Wagon Road over the Cascade Mountains.
On motion,
The petition was referred
To a select committee of three.
The Speaker appointed
Messrs. Hedges, Holmes and Jennings,
As such committee.

Mr. Newcomb
Presented a petition of George W. Keeler and others, for a charter for a Water Ditch on Applegate creek.
Referred to a committee of three.
Chair appointed
Messrs. Newcomb, T'Vault and Holmes,
As such committee.

Mr. Chapman
Introduced H. B. 3,
For the relief of D. W. Douthit and Wm. McMillen.

Read first time,
And ordered printed.
Mr. Chapman moved to refer the same to
Committee on claims,
Which motion was agreed to.

Mr. Slater
Gave notice that he would on to-morrow,
Or some subsequent day of the session,
Introduce a bill,
Requiring sheriffs, in certain cases, to file a new bond and security.

A message from the Council, by N. Huber, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council has passed accompanying joint resolution, and transmit it to the House for concurrence.

N. HUBER, Clerk.

Mr. Slater
Moved the House concur in
C. J. R. 2.
The motion was agreed to.
The Speaker appointed
Messrs. Slater, T'Vault, Holmes and Stevens,
A joint committee to act with the committee of the Council.

Mr. Slater
Gave notice that he would, on to-morrow,
Or some subsequent day of the session,
Introduce a bill,
Empowering County Commissioners of the several counties to regulate the crossing of bridges in their respective counties, and to impose fines and penalties for violation thereof.

Mr. Craner
Introduced the following resolution,
H. R. 6:

Resolved, That so much of the Governor's Message as refers to the judiciary, be referred to the judiciary committee.
So much as refers to ways and means, be referred to the committee on ways and means.

So much as refers to Indian affairs, be referred to the committee on Indian affairs.

And so much as refers to military affairs, be referred to the committee on military affairs.

Mr. McInnch
Moved the adoption of the resolution.
The motion was agreed to.

Mr. T'Vault
Introduced the following joint resolution,
H. J. R. 4:

Resolved by the House, the Council concurring, That our delegation in Congress be requested to use their influence with the Secretary of War, for the establishment of a military post at, or near Klamath Lake, in southern Oregon; and with the Commissioner of Indian Affairs, for the appointment of a full Agent for the Klamath Lake Indians, to be located at or near said post.

The resolution was adopted.

A communication from the Secretary of Oregon Territory:

SECRETARY'S OFFICE,
Salem, O. T., Dec. 8, 1858.

The Speaker of the House of Representatives
Of the Territory of Oregon:

SIR—

A copy of the resolution in reference to the Statutes of Oregon, adopted by the House of Representatives on the 7th inst., has been received. In answer thereto, I respectfully submit:

That there are no bound volumes of the Statutes of Oregon in my hands.

That there are of the pamphlet Laws of last session—1857–'58, a sufficient number for the use of members.

That I am unable to inform the House "whether or not" bound volumes of the Statutes can be procured.

I am informed that the Territorial Printer has a few volumes, but

I am not authorized to purchase them, nor are there any funds appropriated with which such purchase could be made.

I am, respectfully,
Your obedient servant,
B. F. HARDING,
Secretary of Oregon.

The annual report of the
Superintendent of the Penitentiary
Was received: (See Appendix.)

On motion,
The reading was dispensed with,
And 500 copies ordered printed.

The annual report of the
Territorial Librarian
Was received: (See Appendix.)
On motion,
Reading was dispensed with,
And 500 copies ordered printed.

Mr. Parker
Gave notice that he would
On to-morrow,
Or some subsequent day,
Introduce a bill
To provide for the
Election of assessors by precincts, and defining their duties, and abolishing the law providing for the election of county assessors.

House adjourned to 2 o'clock.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Slater
Moved that the motion of Mr. Chapman,
To amend rule 24,

Be taken from the table,
Which motion was agreed to.
Mr. Chapman
Withdrew his amendment.
Mr. Jennings
Moved to amend,
By striking out the words "*other*" and "*during*," and inserting the words "*succeeding*" and "*of*."
Mr. Smith of Polk,
Moved to amend the amendment,
By striking out the words "*any other day during the session*" and inserting "*within three days thereafter*."
Which amendment was sustained.
The amendment of Mr. Jennings,
As amended,
Was concurred in.

Mr. Parker
Moved that the report of the
Committee on rules,
For the government of the House,
As amended,
Be adopted.
Which motion was agreed to.

Mr. Chapman
Presented the credentials of
Mr. Dryer of Multnomah.
Mr. Dryer
Was sworn by the Speaker.

Mr. Chapman
Introduced the following resolution,
H. R. 8:

Resolved, that the committee on roads and highways, be instructed to enquire into the expediency of providing, by law, for classifying roads in the several counties, appropriating additional money and work to the improvement of such first class roads, when it shall be necessary so to do, in order to make them good passable wagon roads;

making supervisors of roads who shall fail to keep such first class roads in repair liable to presentment, and inflicting a penalty on persons appointed supervisors, who shall refuse to serve.

Adopted.

On motion of
Mr. Craner
House adjourned until to-morrow morning at 10 o'clock.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Thursday, December 9th, 1858.

JAMES M. PYLE,
Chief Clerk of the House of Representatives.

FRIDAY, DECEMBER 7, 1858.

The Journal of yesterday was read and approved.

Absent—Messrs. Holmes, Jennings, Shuttuck, Strong, Tichenor.

Mr. Dryer
Presented a petition
From Mary A. Dennis, for a divorce,
And moved the same be referred
To a select committee.
Agreed to.

The Chair appointed
Messrs. Dryer, Hannah and Stevens,
As such committee.

Mr. Holton
Presented a petition
To change the name
Of Kerbyville,
In Josephine county,
To the name of Napoleon,

And moved
The same be referred
To the committee on counties.
Agreed to.

Mr. Newcomb
Presented a petition
Of A. C. Crisman, and others,
For a charter,
To construct a Water Ditch,
In Josephine county.
Referred
To committee on corporations.

Mr. Chapman
Introduced a memorial
H. M. 1,
"For a Military Road from some point on the Scotsburg Military road to Fort Boise,"
And moved its reference
To the committee on roads and highways.
Mr. Dryer
Moved to amend
By laying on table for printing,
And 100 copies be printed.
Amendment accepted
And motion agreed to.

Mr. Dryer
Gave notice,
That he would on to-morrow,
Or some subsequent day
Of the session,
Introduce a bill
To amend the charter
Of the city of Portland.
Also,
To amend the
Stevens Ferry charter, (so called.)

Mr. Stevens

Gave notice that he would, on to-morrow,
Or some subsequent day of the session,
Introduce a bill,
Authorizing the
Auditor of the Territory,
To take possession of, recover, receive and receipt for all moneys and property escheated, or that may hereafter escheat to the Territory.

Mr. Craner
From committee on joint rules,
For both Houses,
Reported as follows:

Mr. SPEAKER—The committee appointed on the part of the House to act with a similar committee appointed by the Council, for the purpose of drafting joint rules for the government of the two Houses, would ask leave to report by reccommending the adoption of the joint rules of last session, for the government of the two Houses during the present session.

N. H. CRANER,
Chairman Committee.

The report was adopted.

The annual report
Of the Pilot Commissioner,
Was presented, and,
On motion of
Mr. Dryer
Was adopted,
And 500 copies ordered printed.

Mr. Stevens,
From the select committe of three,
To whom was referred
The petition of C. M. Walker and others,
For a charter for a wagon road across the Cascade mountains,
Reported,

H. B. 4,
And recommended that it do pass.
Read first time,
And ordered to be printed.

Mr. Craner
Asked leave to introduce
H. B. 5,
Entitled
"A bill for the incorporation of Cemetery Associations."
Leave was granted,
And the bill was
Read first time,
And ordered printed.

Mr. T'Vault
Moved that the name of
Mr. Holton,
Be added to the committee,
To whom was referred the petition of
Keeler for a water ditch.
Agreed to, and
Mr. Holton
Was placed upon
The committee.

Mr. Dryer
Moved that the contested case of
Members claiming from
Umpqua county,
be taken from the table
And referred to a select committee of three.

Mr. T'Vault
Moved to amend by referring to
Standing committee on elections.
Accepted by
Mr. Dryer,
Who then moved to amend by "instructing said committee to report at its earliest convenience."

The yeas and nays being called for on
Mr. Dryer's amendment,
Resulted as follows:

Yeas—Bowlby, Chapman, Dryer, Hedges, McGee, Nichols, Parker, Stevens, Slater, Smith of Yamhill, T'Vault, Watson—12.

Nays—Bonham, Craner, Crooks, Hannah, Holton, Holmes, Jennings, Jones, Lassater, Newcomb, Smith of Polk, Zieber, and Mr. Speaker—14.

So the motion was lost.
The question
Recurring upon its final passage
As amended,
The motion was agreed to.

Mr. Lassater
Introduced H. J. R. 4:

Whereas much dissatisfaction exists amongst the people of this Territory, with the present condition of the Free School System, Therefore, *Resolved*, by the House, the Council concurring, that a committee of three be appointed on the part of the House, to act with a committee of two on the part of the Council, to make such alterations and amendments as they may deem necessary for a more efficient system of Free Schools in this Territory, and that said committee be requested to report the same to this House by bill or otherwise, at as early a period as may be convenient.

Mr. Dryer
Moved to amend by referring to
Standing committee on education.
The motion was not agreed to.

Mr. Lassater
By leave of the House,
Withdrew his resolution.

On motion,
House adjourned to 2 o'clock.

AFTERNOON SESSION,

House met pursuant to adjournment.

H. B. 1,
Was read the 2d time.
Mr. T'Vault
Moved the bill be engrossed.
Yeas and nays were called,
Resulted as follows :

Yeas—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lassater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Mr. Speaker—25.

Nays—Mr. Dryer—1.

The bill was engrossed
And ordered to be read
A third time to-morrow.

Mr. Chapman
By leave of the House,
Introduced the following resolution:
H. J. R. 5.

Resolved, By the Legislative Assembly of the Territory of Oregon, 1st: That we congratulate the people of Oregon and Washington Territories, on the creation of the Military Department of Oregon, and the assignment to the command thereof, of the distinguished and successful Military Commander, Gen. W. S. Harney.

2d. That in the military order, allowing settlements east of the Cascade mountains, giving effect to the act of Congress extending the land laws over that district of country, there is manifest not only a disposition to give military protection to our countrymen, and in all lawful ways promote their prosperity and happiness, but also an honorable submission of the military to the civil power.

3d. That we have entire confidence in the ability and willingness of Gen. Harney to protect, by every means in his power, such of our Atlantic friends as may wish to immigrate to our country, and therefore entreat him to establish garrisons on the immigrant route, and particularly at or near Fort Boise. After which, we will feel justified in assuring immigrants of their perfect safety while passing through his department.

4th. That the Governor be requested to forward to Gen. Harney a copy of the foregoing resolutions.

Adopted,
And sent to the Council for concurrence.

H. B. 2,
Entitled an act
To incorporate Friendship Lodge, I. O. O. F.,
Was read second time.
Mr. Bowlby
Moved to amend by inserting, "And their successors,"
After the word officers in section 2nd.
The amendment was agreed to.
On motion of Mr. Craner,
The bill was engrossed, and ordered to be read
A third time to-morrow.

H. B. 3, entitled
"A bill for the relief of D. W. Douthit and Wm. McMillen,
Read 2d time.
Mr. Chapman
Moved that the House resolve itself into a committe of the whole
For the consideration of H. B. 3.
House resolved itself into

COMMITTEE OF THE WHOLE,

Mr. Newcomb in the chair.
After some time spent therein
The committee arose and reported progress.

On motion of Mr. Dryer,
The bill was referred to the committee on claims.

Three messages from the Council, by N. Huber, clerk:

MR. SPEAKER: I am directed by the President to inform you that Messrs. Mack and Steward have been appointed on the Joint Committee on Enrolled Bills on the part of the Council.

N. HUBER, Clerk.

MR. SPEAKER: I am instructed by the President to inform you that the Council has concurred in H. J. R. 3, and the same is herewith returned to the House for enrollment.

Also, That Messrs. Steward and Ford have been appointed on the Joint Committee provided for in C. J. R. 2, providing for a compilation of the road laws.

N. HUBER, Clerk.

MR. SPEAKER: I am directed to inform the House that the Council has concurred in H. J. R. 4, and herewith return the same for enrollment.

N. HUBER, Clerk.

On motion,
The House adjourned until to-morrow morning at 10 o'clock.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Friday, the 10th day of December, 1858.

JAMES M. PYLE,
Chief Clerk House of Representatives.

SATURDAY, DECEMBER 11, 1858.

House met pursuant to adjournment.

Absent—Messrs. Lassater, Smith of Yamhill, Shattuck, Strong, Tichenor.

Journal of yesterday was read and approved.

Mr. Parker
Introduced a petition of J. M. Shively and two others,
To change the boundaries of the town of Astoria,
And on his motion the same was referred to
Committee on corporations.

Mr. Newcomb
Presented a petition from Allen Caris and others,
To incorporate a company to construct
A Water Ditch in Josephine county,
And on his motion the same was referred to
Committee on corporations.

Mr. Parker
Presented a petition asking relief for J. Elder, of Clatsop,
And on his motion the same was referred to
Committee on claims.

Mr. Hedges,
Chairman of the committee on counties, reported
H. B. 6, entitled
An act to change the name of the town of Kerbyville.
On motion,
The report was received and bill read the first time.

Mr. Craner
Chairman of the committee on claims, to whom was referred
H. B. 3, entitled
A bill for the relief of D. W. Douthit,
Reported the same back to the House with amendments.
Mr. McInnch
Moved the adoption of the report.
Mr. Hannah
Moved to amend so as to allow Mr. Douthit the sum of $300 instead of $200.
Mr. Stevens
Moved to amend the proposed amendment of Mr. Hannah, by allowing five hundred dollars instead of three hundred.

Mr. Chapman
Moved to lay the bill on the table.
The yeas and nays were called for, resulted as follows :

Yeas—Messrs. Bonham, Chapman, Hannah, Jennings, Jones, Stevens, T'Vault, Watson, Zeiber and Mr. Speaker—10.

Nays—Messrs. Bowlby, Craner, Crooks, Dryer, Hedges, Holton, Holmes, Lassater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Smith of Yamhill, Smith of Polk, and Slater—17.

So the motion to lay on the table was lost.
Mr. Dryer
Moved that Chief Justice Geo. H. Williams be requested to give the House such information in regard to the claim as he may possess.
Mr. Williams came forward and made a statement.

Mr. McIninch
Moved to adjourn until 2 o'clock this afternoon.
Mr. Dryer
Moved to amend by adjourning to Monday morning.
Amendment lost.

House adjourned to 2 o'clock.

AFTERNOON SESSION.

House met pursuant to adjournment.

The H. B. 3 still pending,
Mr. Slater
Moved to send for Mr. Sloan,
Superintendent of the Penitentiary,
To give testimony in regard to said claim,
The motion was agreed to.
Mr. Sloan appeared and made a statement.
Mr. Lassater
Moved to adjourn until Monday morning.
The chair being unable to decide,

A division was called for, and House refused to adjourn.

Mr. Bonham

By leave of House, introduced

The Annual Reports of the Territorial Treasurer and The Territorial Auditor. (See Appendix.)

Mr. Slater

Moved that the reading be dispensed with, and 500 copies ordered printed.

Mr. Craner,

Moved to amend by ordering 1000 copies printed.

The amendment was accepted and the motion was agreed to.

The question then being upon the amendment to the amendment,

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Chapman, Hannah, Jennings, Newcomb, Stevens, Smith of Yamhill, T'Vault, Watson, and Mr. Speaker—10.

Nays—Messrs. Bowlby, Craner, Crooks, Dryer, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Nichols, Parker, Slater, Smith of Polk, and Zieber.—16.

So the motion was lost.

The question then recurring upon the original amendment was lost.

Mr. Slater

Moved that the report of the committee be adopted.

The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber—22.

Nays— Messrs. Chapman, Newcomb, Stevens, T'Vault, and Mr. Speaker—5.

So the motion was agreed to.

Mr. Slater

[illegible]

Which motion was agreed to.

Mr. Lasater
Moved to adjourn until Monday morning at 10 o'clock.
Upon which the yeas and nays being called resulted as follows:

Yeas—Chapman, Hannah, Holton, Jennings, Jones, Lasater, Newcomb, Stevens, T'Vault, Watson, Zieber, and Mr. Speaker—12.

Nays—Bonham, Bowlby, Craner, Crooks, Dryer, Hedges, Holmes, McIninch, McGee, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk—14.

So the House refused to adjourn.

Mr. Stevens
Introduced by leave of House
H. B. 7, entitled
"An act providing for escheats to the Territory."
Read first time
And ordered printed.

Mr. Slater
By leave of House introduced
H. B. 8, entitled
"A bill requiring Sheriffs to execute new bonds, with approved security, in certain cases."
Read first time
And ordered printed.

Mr. Bonham
By leave of House introduced
H. B. 9, entitled
"A bill to locate a Territorial road from Polly's Mill to Scio in Linn county."
Read first time
And ordered printed.

Mr. Parker
By leave, introduced
H. B. 10, entitled
"An act to amend an act passed January 19th, 1856, entitled 'An act to incorporate the town of Astoria.'"

Read first time
And ordered printed.

Mr. Lasater
Introduced, by leave of House,
H. J. R. 6,

Resolved by the House, the Council concurring, That the standing House committee and the standing Council committee on education, be made a joint committee, to enquire and report to their respective Houses:

1st. Whether any more money should be appropriated to common school purposes, and if so, how much, and in what manner?

2d. How long school directors shall hold their offices, and how said offices be graduated, so as to prevent the office of each from terminating at the same time?

3d. What ought to be the qualifications of directors, and their powers and duties?

4th. Whether a majority of the members present of school meetings ought to have power to tax the property of the district, for the hire of a teacher, provided a quorum be present?

5th. Whether there are any persons in the several counties of this Territory, not included in any school district, and if so, whether in the judgment of the committee any thing can be done for their benefit?

The resolution was adopted.

On motion the House adjourned until Monday morning at 10 o'clock.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Saturday, December 11th, 1858.

JAMES M. PYLE,
Chief Clerk of the House of Representatives.

MONDAY, December 18, 1858.

House met pursuant to adjournment.

Absent—Messrs. Bonham, Chapman, Holmes, Lasater, McGee, Shattuck, Strong, Tichenor and Zieber:

The Journal of Saturday the 11th instant, was read and approved.

Mr. T'Vault
Introduced a memorial as follows;

H. J. M. 2.

Memorial to the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialist the Legislative Assembly of the Territory of Oregon, would respectfully represent, that on account of the growing settlements of that part of Oregon, situate between Portland in Multnomah county, and the southern boundary of Oregon, demand a more speedy, certain and direct mode of communication than the present disconnected and indirect manner which the United States mails are carried at the present time. The public interest demand, as also nine-tenths of the citizens require, the establishment of a tri-weekly mail route from Portland in Oregon to Yreka in California, to be carried tri-weekly in stages. The whole line will pass through the populous and wealthy portion of Oregon, and at once give mail facilities, that are not now offered to the citizens of Oregon. The distance from Portland to Yreka is something over three hundred miles, commencing near the northern boundary of Oregon, and passing through the valleys of the Willamette, Umpqua and Rogue river, containing seven-eighths of the population of Oregon.

A line of tri-weekly stages carrying the United States mail between Portland in Oregon, and Yreka in California, would afford that mail facility that the people are so justly entitled to receive.

Now in view of the advantages which would accrue to the United States in the transportation of the mails, and to the citizens of Oregon, your memorialist request our delegation in Congress to exert their influence to obtain the establishment of a mail route direct from Portland in Oregon to Yreka in California to be carried by tri-weekly stages.

The memorial was adopted.

Mr. T'Vault
Moved to print 500 copies.
Upon which motion the yeas and nays being called resulted as follows:

Yeas—Messrs. Chapman, Hannah, Holton, Jones, Newcomb, Smith of Yamhill, T'Vault—7.

Nays—Messrs. Bonham, Bowlby, Craner, Crooks, Dryer, Hedges, Jennings, McIninch, McGee, Nichols, Parker, Stevens, Smith of Polk, Watson and Mr. Speaker—16.

So the motion to print was lost.

Mr. Holton
Presented a petition of certain citizens of Josephine county for a charter to build a wagon road from Kirbeyville to Jacksonville.
Referred to committee on corporations.

Mr. McGee
Presented a petition of Geo. W. Vanrimple, for a charter for a bridge on the North Umpqua river at Winchester.
On motion referred to committee on corporations.

Mr. Crooks
Introduced the following resolution:
H. J. R. 7,

Resolved by the House, the Council concurring, that this Legislative Assembly do adjourn *sine die* on Thursday the 28d instant.
On motion the same was laid on the table.

On motion the place of Mr. Strong on committee of corporations was supplied.
The Chair
Appointed Mr. Chapman to fill the vacancy.

Mr. Nichols
Introduced the following:
H. J. R. 8.

Resolved, the Council concurring, that the Legislative Assembly

proceed to the election of Territorial officers, on Wednesday, 15th inst., at 3 o'clock P. M.

On motion of Mr. Craner the same was laid on the table.

Mr. McGee
Introduced the following:
H. R. 7,

Resolved, that the committee on ways and means be instructed to enquire into, and report to the House what alterations in the law in relation to the assessment and collection of taxes are necessary, in order to equalize assessments.

Adopted.

H. B. 5, entitled,
A bill for the incorporation of Cemetery Associations, was read a second time, and
On motion was considered engrossed and ordered to be read third time to-morrow.

H. B. 2,
Read 2nd time, and ordered engrossed, and to be read third time to-morrow.

H. B. No. 1,
To recover possession of mining claim and water ditch.
Read a third time,
And the question being
Shall the bill pass?
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jennings, Jones, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Mr. Speaker—23.

Nays—None.

So the bill was passed,
And the title agreed to.

Mr. Holton
By leave of House presented,
H. B. 11, entitled,
"A bill to extend the charter for the Illinois Wagon Road Company."
Read first time.

Mr. Dryer
By consent of House introduced
H. B. 12,
"A bill to relocate the seat of Government,
Read first time.

Mr. Smith of Yamhill,
Introduced by consent,
H. B. 13,
A bill for the relief of Yamhill county.
Read first time,
And ordered printed.

Mr. Parker
Asked leave to introduce
H. B. 14,
A bill to amend an "Act relating to assessors passed January 20th, 1854."
Read first time.

Mr. T'Vault
Introduced
H. B. 15,
A bill to be entitled, an act to authorize the board of county commissioners of Jackson county, to levy a special tax and create a redemption fund for the payment of the county indebtedness,
Read first time.

Mr. Parker
Introduced
H. B. 16,
A bill for the relief of Joshua Elder.
Read first time.

Mr. T'Vault
Moved to suspend rules, and pass the third reading.
Motion lost.

Mr. Smith of Polk,
Gave notice that he would on to-morrow, or some subsequent day of the session, introduce a bill for the relief of John C. Lewis.

Mr. McInnich
Moved to adjourn.
Lost.

Mr. Bonham
Gave notice that he would on to-morrow, or some subsequent day of the session, introduce a bill entitled, An act to amend an act entititled an act to regulate the fees of certain officers and other persons.

Mr. Holton
Gave notice that he would on to-morrow, or some subsequent day of the session, introduce a bill for the relief of the indigent sick of Jackson and Josephine counties.

Mr. Watson
Gave notice that he would on to-morrow, or some subsequent day of the session, introduce a bill relating to the pay of county assessors.

Mr. Craner
Moved to adjourn.
Lost.

Mr. Dryer
Gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill providing for the pay of the Constitutional Convention.
Also,
A bill for the payment of two sessions of the State Legislature.

Mr. T'Vault
Gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to keep in repair the [illegible]

through the caynon in Douglas county.

Mr. Hannah

Offered the following resolution:

H. R. 8,

Resolved, That until otherwise ordered by the House, the morning session shall commence at 10 o'clock, and the afternoon session at 2 o'clock,

Adopted.

Mr. Parker

Gave notice that he would on to-morrow, or some subsequent day of the session, introduce a bill entitled "An act exempting a Homestead for the heads of families from forced sale."

House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Dryer,

Moved that

H. B. 4,

Be taken up and considered.

Motion agreed to.

The bill was read second time.

Mr. Hannah

Moved to amend by inserting "twenty-five feet," instead of "twelve."

Upon which amendment,

The yeas and nays being called resulted as follows:

Yeas—Messrs. Hannah, Hedges and Slater—3.

Nays—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Holmes, Jennings, Jones, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Smith of Yamhill, Smith of Polk, Watson, Zieber, and Mr. Speaker—20.

On motion of Mr. Dryer,
The bill was referred to committee on corporations.

Mr. Chapman
Offered the following:
H. J. R. 9,

Whereas, Portland in the county of Multnomah, and Territory of Oregon, is the great commecial point on the Pacific coast, north of San Francisco, and is by an act of Congress made a port of delivery.

And whereas, Ocean steamers deliver the United States mail at said port, and many other steamers and vessels deliver large cargoes at said port:

And whereas, at extreme low water, the said mail steamers in navigating the Willamette river are frequently obstructed at Swan-island bar, which obstructions in the opinion of the Assembly, may be removed at an expense of not exceeding ten thousand dollars.

And whereas, it is of national importance that the ocean mail steamers, as well as sail vessels, proceed into said port unobstructed by the cause before mentioned; therefore,

Resolved by the Legislative Assembly, that our delegate, or our senators and representative in Congress, (as the case may be) be requested to use all proper efforts to obtain an appropriation of ten thousand dollars, to be applied to the removal of the obstructions in the navigation of the Willamette below the port of Portland in Oregon.

The resolution was adopted.

Mr. Dryer
Moved to adjourn.
Lost.

Mr. Hedges
Moved to refer that part of the Govenor's message which refers to insane persons to a select committee of five.
Agreed to.
The Chair appointed Messrs. Hedges, Stevens, T'Vault, Dryer, Holmes, as such committee.

Mr. Dryer

Asked to be excused on the ground of a charge of being himself insane.

On motion to excuse,

House refused.

Mr. McGee

Gave notice that on to-morrow, or some subsequent day of the session, he would

Introduce a bill,

To incorporate a bridge company for constructing a bridge across North Umpqua river, at Winchester in Douglas county.

Mr. Holmes

Moved that H. B. 3,

Be taken from the table.

Agreed to.

The question being,

Shall the bill pass?

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, Mr. Speaker—25.

Nays—none.

So the bill passed.

Mr. Dryer

Moved to adjourn.

Lost.

A message from the Council, by N. Huber, clerk:

Mr. Speaker: I am instructed by the President to inform you that the Council has concurred in H. J. M. 2, relative a tri-weekly mail route from Portland to Yreka.

And the same is herewith returned to the House for enrollment.

N. HUBER, Clerk.

Mr. Hannah
Moved to take from table
H. J. R. 7,
In relation to adjourning on 23rd instant.
Lost.

Mr. Smith of Polk,
Moved to adjourn,
Which was lost.

Mr. Parker
Gave notice that he would on some future day
Introduce a bill,
To restrain the traffic in intoxicating beverages.

Mr. Bonham
Presented a petition of Mahala Car for divorce.

Mr. Hedges
Moved its reference to committee on divorces,
Chair decided there was no such committee.

Mr. Hannah
Moved the House resolve itself into a committee of the whole, for the consideration of said petition.
Which motion was withdrawn.

Mr. Holmes
Moved its reference to a select committee of five.

Mr. Chapman
Moved to amend by instructing the committee to report to the House upon the power and propriety, of granting divorces by the Legislative Assembly.
The amendment was agreed to,
And the petition referred to a select committee of five,
The Chair
Appointed Messrs. Holmes, Chapman, Bonham, T'Vault and Hannah.

On motion House adjourned.

I certify that the foregoing is a true and correct copy of the Journal

of the House of Representatives of the Territory of Oregon, approved by said House, for Monday, December 13th, 1858.

JAMES M. PYLE,
Chief Clerk House of Representatives.

TUESDAY, DECEMBER 14, 1858.

House met pursuant to adjournment.

Absent—Messrs. Holton, Shattuck, Strong, Tichenor and Zeigler.

Mr. Bowlby
Rose to a question of privilege,
And presented the credentials of Mr. Shattuck of Washington and Multnomah,
Who came forward and was sworn by the Speaker.

Journal of yesterday was read and approved.

Mr. Newcomb
Presented a petition of T. P. Davidson and others for a charter for a Water Ditch.
On his motion the same was referred to the committee on corporations.

Mr. Dryer
Presented a petition from a number of citizens of Multnomah county, for a charter for a turnpike road near Portland.
Referred to committee on Corporations.

Mr. Newcomb
Presented a petition of Lucy Smith for divorce.
Which on his motion was referred to the judiciary commitee.

Mr. Dryer
Presented a memorial from Roberts & Shartle asking relief, for furnishing stone for Penitentiary.
On his motion, that the same be referred to the committee on claims.

The yeas and nays being called resulted as follows:

Yeas—Messrs. Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Mr. Speaker—26.

Nays—Mr. Bonham—1.

So the petition was referred to committee on claims.

Mr Jones
Introduced
H. B. 17, entitled
"A bill to relocate a part of the Territorial road from Oregon City to Pleasant Hill."
Read first time
And ordered printed.

Mr. Bonham
Presented a petition for a change of the Territorial road from Albany in Linn county, to Drift creek in Marion county.
Referred to standing committe on roads and highways.

Mr. Hannah,
Chairman of committee on engrossed bills,
Reported the following bills as properly engrossed:
H. B's. 2 and 5.

Mr. Newcomb,
From committee on corporations, reported
H. B. 18, entitled,
A bill to incoporate the Jackson and Josephine wagon road company.
Read first time
And ordered printed.

H. B. 6,
Read second time,
And on motion of Mr. Chapman,

Was considered engrossed, and ordered to be read third time to-morrow.

H. B. 8,
Read second time,
And on motion of Mr. Slater,
The same was referred to the judiciary committee.

H. B. 5,
Was read a 3d time.
And the question being
Shall the bill pass?
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McIninch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson, Zieber, and Mr. Speaker—24.

Nays—none.

So the bill was passed,
And the title was agreed to.

H. B. 2,
To incorporate Friendship lodge No. 6, I. O. O. F., was read 3d time.
The question being,
Shall the bill pass?
The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McIninch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber, and Mr. Speaker—26.

Nays—none.

So the bill passed,
And the title agreed to.

Mr. Parker

Moved that the joint resolutions to purchase copies of the Oregon Revised Statutes and session laws of 1855–'6, be taken from the table.

Mr. Slater

Moved the first blank be filled with No. 50.

The amendment was agreed to.

On motion the resolution with the amendment was laid on the table.

On motion House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. T'Vault

Introduced

H. B. 19, entitled,

A bill to incorporate the North Umpqua river Bridge Company.

Read first time

And ordered printed.

Mr. Bonham

Introduced a bill,

H. B. 20, entitled,

A bill for the relief of N. A. Cornoyer, sheriff of Marion county.

Read first time

And ordered printed.

Mr. Chapman,

Chairman of committee on corporations, reported

H. B. 4,

Back to the House with accompanying amendments.

On motion the report of the committee and their amendments were adopted.

Mr. Chapman

Moved that the rules be suspended,

The bill considered engrossed and ordered read third time to-morrow.

The motion was lost.

Mr. Dryer

Moved the bill be engrossed and referred to a committee of the whole House.

Motion withdrawn.

Mr. Hannah

Moved that the bill be referred to a committee of the whole House.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Crooks, Dryer, Hannah, Hedges, Holton, Jennings, Lasater, McInnch, Nichols, Parker, Slater, Shattuck, Watson, Zeiber and Mr. Speaker—17.

Nays—Messrs. Chapman, Holmes, Jones, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault—9.

The motion was agreed to.

A message from the Council, by N. Huber, their clerk.

Mr. Speaker: I am instructed by the President to inform you that the Council has concurred in H. J. R. 6, providing for a joint committee on education.

Also,

On H. J. R. 9, praying Congress for an appropriation for the improvement of the Willamette river; and the same are herewith returned to the House.

N. HUBER, Clerk.

Mr. Holton

Introduced the following resolution:

Resolved, That when this House adjourn on Tuesday next, it adjourn until Monday, January 3d, 1859.

On motion of Mr. Crooks

The resolution was laid on the table.

Mr. Dryer

Moved that the Chair appoint a special commitee of five to whom shall be referred all petitions for divorces.

The motion was agreed to.

The Chair

Appointed Messrs. Dryer, Stevens, Crozier, Newcomb and Jennings, as such committee.

Mr. Bonham

Introduced

H. B. 21, entitled,

"A bill to amend an act to regulate the fees of certain officers and other persons.

Read first time,

Ordered printed.

Mr. McInnich

Introduced the following resolution:

H. R. 9.

Resolved, That the committee on ways and means is hereby instructed to ascertain, if possible, some mode of making the Penitentiary, a self sustaining institution, and report the same to the House at as early a day as practicable.

Adopted.

Mr. Chapman

Moved that the judiciary committee be relieved from the divorce petitions before them, and that the same be referred to the select committee appointed on divorces.

Mr. Parker

Moved to amend, so as to relieve the select committee to whom certain divorce cases were referred.

The amendment was lost.

And the motion was lost.

Mr. Dryer

Moved to reconsider the vote raising a select committee of five for all divorce cases.

The motion to reconsider was agreed to,

And the original motion was withdrawn.

On motion House adjourned.

I certify that the foregoing is a true and correct copy of the

journal of the House of Representatives of Oregon Territory, for Tuesday, December 14th, 1858.

JAMES M. PYLE,
Chief Clerk of the House of Representatives.

WEDNESDAY, DECEMBER 15, 1858.

House met pursuant to adjournment.

Absent—Messrs. Chapman, Holmes, Strong, Stevens, Tichenor.

The Journal of yesterday was read and approved.

Mr. Shattuck

Presented a petition of J. O. Van Bergen and two others, for a charter for a railroad from the upper to the lower steamboat landing at the Cascades of the Columbia river;

Which was referred to committee on corporations.

Mr. Shattuck

Presented the petition of Buel Woodward, for a divorce.

Mr. Stevens

Moved the same be referred to a committee of three, with instructions to said committee to report the same to the House at an early day.

Mr. Hannah

Moved to amend by referring to the judiciary committee.

The amendment was lost,

And the petition was referred to a select committee.

The Speaker appointed

Messrs. Stevens, Shattuck and Holton as such committee.

Mr. Shattuck

Presented a petition from Fanny Cohen of Portland, for a divorce,

And moved that the reading be dispensed with.

Lost.

Mr. Holton

Moved its reference to the judiciary committee.

Mr. Craner

Moved to amend by referring to same select committee to which was referred the petition of Basil Woodward.

The amendment was agreed to,

And the petition referred.

Mr. Bonham,

Chairman of the standing committee on ways and means,

Presented the following report. (See Appendix.)

On motion of Mr. Craner

The report was adopted.

Mr. Craner moved

That the H. J. R. No. 7,

"That the Legislative Assembly adjourn *sine die*, on Thursday the 23d instant,"

Be taken from the table.

Upon which the yeas and nays being demanded resulted as follows:

Yeas—Messrs. Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holmes, Jennings, Lasater, McInnich, McGee, Stevens, Smith of Polk, Shattuck and Mr. Speaker—15.

Nays—Messrs. Bewlby, Dryer, Holton, Jones, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, T'Vault, Watson—11.

So the resolution was taken from the table,

Mr. Craner moved.

The resolution be adopted.

Pending which, House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment,

Mr. Lasater moved

That the vote taking the resolution to adjourn *sine die* on the 23d instant, be reconsidered.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Lasater and Stevens—2.

Nays—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holmes, Jennings, Jones, McIninch, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Mr. Speaker—24.

So the House refused to reconsider.

Mr. Smith, of Yamhill, moved

The consideration of the resolution be indefinitely postponed.

The yeas and nays were called and resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Dryer, Holton, Newcomb, Nichols, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson, Zieber and Mr. Speaker—14.

Nays—Messrs. Craner, Chapman, Crooks, Hannah, Hedges, Holmes, Jennings, Jones, Lasater, McIninch, McGee, Parker, Smith of Polk—13.

So the motion was agreed to,

And the resolution indefinitely postponed.

Mr. Chapman,

Chairman of judiciary committee,

Reported H. B. 7,

Back to the House with amendments.

On motion the House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Wednesday, December 15th, 1858.

JAMES M. PYLE,

Chief Clerk House of Representatives.

THURSDAY, DECEMBER 16, 1858.

House met pursuant to adjournment.

Absent—Messrs. Hedges, Holton, Jennings, Smith, of Yamhill, Smith, of Polk, Strong, and Tichenor.

The journal of yesterday was read and approved.

Mr. Zieber
Presented a petition of Nancy B. Walling, for a divorce.
Mr. Dryer moved
The same be referred to the standing committee on printing.
Mr. Lasater moved
To amend by reference to the committee on claims.
Amendment lost,
And motion agreed to.
On motion
The report of Mr. Chapman, chairman of committee on judiciary, presented yesterday
Was adopted.

Mr. Slater moved
That H. B. 7,
Be engrossed and read a third time to-morrow.
Motion agreed to.

Mr. T'Vault, introduced
H. B. 22, entitled,
A bill to amend section one, title one, chapter two of the Oregon statutes, in relation to the jurisdiction of justices of the peace.
Read first time
And ordered printed.

Mr. Chapman,
Chairman of committee on judiciary,
Reported H. B. 23,
To divorce Philester Lee.

Read first time
And ordered printed.

Mr. Chapman,
Chairman of judiciary committee, reported
H. B. 24, entitled
A bill to divorce Lucy Smith.
Read first time
And ordered printed.

Mr. Craner,
Chairman of the standing committee on claims, reported as follows:

Mr. Speaker—The committee on claims to whom was referred the petition of Joshua Elder, praying for relief for certain services rendered by the petitioner, in the capacity of surveyor, at the instance and request of the commissioners appointed by an act passed by the Legislative Assembly of the Territory of Oregon, January 12th, 1858, authorizing said commissioners to view and locate a Territorial road from Astoria to the Willamette valley.

The committee after investigating the claim of said petitioner, instruct me to report the claim of said petitioner back to the House, with the recommendation, that it receive no further consideration from this House, from the fact that your committee are of the opinion that the claimant has no valid claim to any account against this Territory whatever.

N. H. CRANER.
Chairman of Committee on Claims.

On motion,
The report was adopted.

Mr. Stevens,
From the select committee to whom was referred the petition of Buel Woodward, for a divorce, reported
H. B. 25,
A bill to divorce Buel Woodward.
Read first time
And ordered printed.

Mr. Holmes,
Chairman of a select committee,
To whom was referred a petition from Mahala Card, for a divorce, with instructions to report upon the power and expediency of this Legislature to grant divorces, reported
H. B. 26,
A bill to divorce Mahala Card from Job Card.
And in reference to their instructions, reported,

That this Legislature has, in the opinion of the committee, power to grant divorces, but, in their opinion, such power should, as a matter of expediency, be exercised only in extreme cases, and recommend in this particular case, that a divorce be granted.

On motion,
The report was adopted, and the bill
Read first time,
And ordered printed.

Mr. Smith, of Polk, introduced
H. B. 27,
A bill for the relief of J. H. Lewis.
Read first time,
And ordered printed.

Mr. Chapman moved that
H. M. 1,
Be taken from the table.
Agreed to,
And on motion,
The memorial was adopted.

H. B. 7,
Was read second time.
Mr. Lasater moved
To amend as follows:
Amend H. B. 7, by adding,

Section 3. Said Auditor shall receive for the services contemplated in this act, five dollars per day for such services necessarily

rendered in and about the recovery and sale of the property described in this act, to be audited by the Territorial Treasurer, and paid out of any money in the Treasury not otherwise appropriated.

Mr. Craner moved
To amend the amendment by inserting three dollars instead of five.
Withdrawn by consent of House.
The amendment was also withdrawn by consent of House.
Mr. T'Vault moved
To refer said bill to the Judiciary committee.
Which motion was agreed to.

On motion House adjourned.

AFTERNOON SESSION.

H. B. 9,
Was read second time,
And on motion of Mr. Craner,
Referred to committee on education.

H. B. 10,
Was read a second time,
And on motion of Mr. Parker,
The same was referred to the standing committee on corporations.

H. B. 12,
To relocate the seat of government,
Was read a second time.
Mr. Smith, of Yamhill, moved
It be referred to a select committee of five.
Motion lost.
Mr. Dryer moved
It be referred to a committee of the whole House.
Mr. Lasater moved
To lay on the table.
Upon which the yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Craner, Crooks, Holton, Holmes, Lasater, McGee, Stevens and Mr. Speaker—9.

Nays—Messrs. Bowlby, Chapman, Dryer, Hannah, Hedges, Jennings, Jones, McInnich, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault and Watson—17.

So the amendment was lost,

And the question recurring upon the original motion,

The yeas and nays being called resulted as follows:

Yeas—Messrs. Bowlby, Craner, Dryer, Holmes, Jones, Lasater, McInnich, Nichols, Parker, Slater, Shattuck, Watson and Mr. Speaker—13.

Nays—Messrs. Bonham, Chapman, Crooks, Hannah, Hedges, Holton, Jennings, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault and Zieber—14.

So the motion to refer to a committee of the whole House was lost.

Mr. Dryer moved

The bill be engrossed and read a third time to-morrow.

Mr. Chapman moved

To amend by striking out Portland, and inserting Eugene City.

Mr. Lasater moved

To adjourn.

Lost.

Mr. Jennings moved

To adjourn until 7 o'clock P. M.

Motion agreed to.

EVENING SESSION.

H. B. 12 still pending.

The question being upon the amendment of Mr. Chapman to strike out Portland and insert Eugene City,

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Craner, Chapman, Crooks, Holton, Jones, McInnich, McGee, Newcomb, T'Vault—9.

Nays—Messrs. Bonham, Bowlby, Dryer, Hannah, Hedges, Holmes, Jennings, Lasater, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Watson, Zieber, and Mr. Speaker—18.

So the amendment was lost.

Mr. Chapman

Offered the following amendment,

And moved its adoption.

(See amendment.)

Whereupon,

On motion House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Thursday, December 16th, 1858.

JAMES M. PYLE,

Chief Clerk of the House of Representatives.

FRIDAY, December 17, 1858.

House met pursuant to adjournment.

Present—Messrs. Bonham, Bowlby, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Slater, Smith, of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Mr. Speaker.

The journal of yesterday was read and approved.

Mr. Zieber,

Chairman of committee on printing, reported

H. B. 28,

A bill to divorce Nancy B. Walling,

Read first time,

And ordered printed.

Mr. Jones
Presented the petition of J. Beeson, for a divorce.
On motion,
The same was referred to the judiciary committee.

Mr. Zieber
Presented the annual report of the University Land Commissioner.
On motion,
The reading was dispensed with,
And 500 copies ordered printed.

Mr. Shattuck,
From the select committee to whom was referred the petition of Fanny Cohen, for a divorce, reported
H. B. 28,
A bill to divorce Fanny Cohen.
Read first time,
And ordered printed,

Mr. T'Vault
Offered the following resolution:
H. R. 10,

Resolved, That the committee on printing ascertain from the Territorial printer at what time the Governor's message will be printed, and ready for delivery to this House, and report the same at an early day.

Adopted,

H. B. 11,
Was read a second time, ordered engrossed, and read third time to-morrow.

H. B. 13,
Was read second time, and
On motion of Mr. Zieber,
The same was referred to a select committee of five,
The Speaker appointed
Messrs. Zieber, Stevens, Bonham, Crooks, and Smith, of Polk.

Mr. Chapman

Presented the following resolution:

H. J. R. 10,

Resolved by the House, the Council concurring herein, That five on the part of the House to act in conjunction with three on the part of the Council, be appointed, to enquire into the expediency of reporting a bill to charter the "Pacific Rail Road Company," and a memorial to Congress, for an appropriation of land on the route of said road, from the point of beginning to the eastern boundary of Oregon.

Adopted.

The Speaker appointed

Messrs. Chapman, T'Vault, Craner, Jennings and Slater as such committee.

Mr. Dryer introduced

H. B. 30,

A bill to divorce Mary A. Dennis.

Read first time,

And ordered printed.

H. B. 14,

"A bill to amend an act relating to assessors, passed January 26th, 1854."

Was read second time.

Mr. Craner moved

It be referred to standing committee on ways and means.

Mr. T'Vault moved

To amend, by referring to committee of the whole House.

The amendment was lost,

And motion agreed to:

H. B. 15,

"Redemption fund" for Jackson County,

Was read second time,

Ordered to be engrossed, and read third time to-morrow.

H. B. 16,

For the relief of J. Elder,

Was read second time.

Mr. Parker moved
To refer the same to committee on claims.
Mr. Dryer moved
To amend, by referring to committee on Indian Affairs.
The amendment was agreed to,
And the bill so referred.

H. B. 6,
A bill to change the name of Kirbyville to Napoleon,
Was read third time.
The question being,
Shall the bill pass?
The yeas and nays being called for resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Mr. Speaker—27.

Nays—none.

So the bill was passed and the title agreed to.

A message from the Council, by N. Huber, their clerk:

Mr. Speaker: I am directed by the President to inform you that the Council have passed the accompanying C. J. R. 3, and request the concurrence of the House thereto.

N. HUBER, Clerk.

Mr. Jones moved
The resolution be laid on the table.
The yeas and nays were called and resulted as follows:

Yeas—Messrs. Craner, Crooks, Jennings, Jones, McInnich, McGee, Parker, Smith of Yamhill, Zieber and Mr. Speaker—10.

Nays—Messrs. Bonham, Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Holmes, Lasater, Newcomb, Nichols, Stevens, Slater, Smith of Polk, Shattuck, T'Vault, Watson—17.

So the motion was lost.
Mr. Bonham moved

To amend by substituting 24th instant, for the 20th.

Mr. Jennings moved

To amend by adjourning *sine die*, on the 24th instant.

The yeas and nays being called resulted as follows:

Yeas—Messrs. Chapman, Crooks, Hannah, Hedges, Jennings, McInnich, Slater, Smith of Polk, and Zeiber—9.

Nays—Messrs. Bonham, Bowlby, Craner, Dryer, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Stevens, Smith of Yamhill, Shattuck, T'Vault Watson, and Mr. Speaker—18.

So the amendment was lost.

Mr. Lasater moved

To amend the amendment by striking out Friday 24th, and inserting Thursday 23d instant.

The amendment to the amendment was lost.

The question being upon the amendment of Mr. Bonham,

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bonham, Craner, Chapman, Crooks, Hannah, Holmes, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk and Mr. Speaker—15.

Nays—Messrs. Bowlby, Dryer, Hedges, Holton, Jennings, Jones, Lasater, McInnich, Shattuck, T'Vault, Watson, Zieber—12.

So the amendment was agreed to.

Mr. Hannah moved

The resolution, as amended, be adopted.

Mr. Jones moved

To lay on table.

Lost.

The question being upon the adoption of the resolution as amended.

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Craner, Chapman, Crooks, Hannah, Holmes, Jennings, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, and Mr. Speaker—16.

Nays—Messrs. Bowlby, Dryer, Hedges, Holton, Jones, Lasater, McInnich, Shattuck, T'Vault, Watson and Zieber—11.

So the motion was agreed to.

On motion House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

A message from the Council, by N. Huber, their clerk.

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed the accompanying Council bill,

C. B. 4,

To amend "An act to incorporate the Willamette Falls Rail Road Company," and transmit the same to the House for concurrence.

N. HUBER, Clerk.

C. B. 4,

Was read first time,

And passed to second reading.

A message from the Council, by N. Huber, clerk:

MR. SPEAKER: I am instructed by the President to inform you that the Council has passed

H. B. 2,

To incorporate Friendship Lodge, No. 6, I. O. O. F., with the accompanying amendment and ask the concurrence of the House thereto.

Also,

That the Council has passed

H. B.'s 1 and 4,

and the same are herewith returned for enrollment.

N. HUBER, Clerk.

Mr. Holmes moved

The House concur in the amendment of Council.

The motion was agreed to.

A message from the Council by N. Huber, clerk.

MR. SPEAKER—I am instructed by the President to inform you

that the Council has concurred in the adoption of

H. J. M. 1,

For a military road to Fort Boise, and the same is herewith transmitted for enrollment.

Also,

The Council has passed,

C. B. 8,

A bill for the relief of Roberts & Shartle, and the concurrence of the House is requested.

N. HUBER, Clerk.

Council bill

C. B. 8,

Was read first time,

And passed to second reading.

A message from the Council, by N. Huber, their clerk.

Mr. Speaker: I am instructed by the President to inform you that the Council has passed the accompanying,

C. B. 6,

To incorporate the Yamhill Water Lock and Transportation company, and request the concurrence of the House.

N. HUBER, Clerk.

On motion the bill

C. B. 6,

Was read first time,

And passed to the second reading.

On motion of Mr. Stevens

The House resolved itself into a

COMMITTEE OF THE WHOLE,

For the consideration of

H. B. 4,

A bill to incorporate the Cascade mountain Wagon Road Company.

Mr. T'Vault in the chair.

After some time passed therein

The committee rose,
And the Chairman reported the bill,
H. B. 4,
Back to the House with accompanying amendments and recommend that it do pass.

HOUSE OF REPRESENTATIVES.

On motion,
The report of the committee was adopted,
And the bill ordered to be engrossed, and read third time to-morrow.

Mr. McIninch moved
The House adjourn.
Mr. Dryer moved
To amend by adjourning to 7 o'clock P. M.
Amendment lost.
On motion
The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Friday, December 17th, 1858.

JAMES M. PYLE,
Chief Clerk House of Representatives.

SATURDAY, DECEMBER 18, 1858.

House met pursuant to adjournment.

Absent—Messrs. McGee, Strong and Tichenor.

The Journal of yesterday was read and approved.

Mr. Dryer moved
That the rules be suspended, and the amendment to H. B. 12,

Be taken up and considered.

The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, Newcomb, Nichols, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, and Watson—17.

Nays—Messrs. Bonham, Craner, Crooks, Holmes, McIntosh, Parker, Smith of Polk, Zieber and Mr. Speaker—9.

So the motion was lost.

Mr. Zieber

Chairman of committee on printing,

Which committee was requested by the House to enquire and report to this House when the Governor's message would be printed, and ready for delivery to the House, reported

"That the committee had waited upon the Territorial printer in reference to the matter, and received for answer, that the message and accompanying documents would be ready for delivery to the Assembly on Monday next."

Report adopted, and committee discharged.

Mr. T'Vault,

Chairman of standing committee on Indian Affairs, reported

H. B. 25,

A bill legalizing an informal vote locating the county seat of Curry County.

Read first time

And ordered printed.

Mr. Holmes,

Chairman of standing committee on roads and highways, reported

H. B. 32,

A bill to change Territorial road from Albany, in Linn county, to Drift creek, in Marion county.

Read first time

And ordered printed.

Mr. Hannah,

By leave, introduced
H. B. 33,
To incorporate Oregon City.
Mr. Parker moved
To refer to committee on corporations.
Lost.
The bill was
Read first time
And ordered printed.

Mr. Parker,
On leave, introduced
H. B. 34,
A bill for the relief of Philip Gearheart.
Read first time,
Ordered printed.

Mr. Chapman,
Chairman of committee on judiciary, reported
H. B. 35,
An act for the relief of John Beeson.
Read first time,
And ordered printed.

Mr. Slater,
Chairman of select joint committee on roads and highways,
Reported a compilation of the Road laws, with certain amendments.
On motion,
The report was received as a bill,
H. B. 36,
And the rules suspended requiring the same to be read.
The bill was passed to second reading,
And ordered printed.

Mr. Newcomb,
From select committee to whom was referred a petition of George W. Keeler and others, for a charter for the Applegate Ditch Company, reported
H. B. 37,

A bill to incorporate the Applegate Ditch Company.
Read first time
And ordered printed.

Mr. Chapman moved
To take up
H. B. 12,
To relocate the seat of government,
Which motion was agreed to.

On motion House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

H. B. 12 still pending.

Mr. Chapman

Offered the following amendment to his amendment:

"This act shall take effect from and after the termination of this session of the Legislature."

Adopted.

Mr. T'Vault

Offered the following amendment:

"Insert after the word provided," "That if the returns from any county or counties, shall not have been received within forty days, from and after the first Monday in June next, it shall be the duty of the Governor to take all necessary measures, and if said returns shall not all have been received as aforesaid, within forty days from and after the first Monday in June next, the Governor is authorized to send a messenger and obtain the official vote of said county or counties from the auditor of such delinquent county. As soon as the offered vote shall have been received by the Governor, from all the counties voting upon that question, he shall notify the Secretary and proceed to canvass the said vote, the same as if returns had been made within forty days first provided for in this section, and in canvassing the vote, all technicalities shall be disregarded.

The amendment was adopted.

Mr. Slater moved
To amend as follows:

"Strike out section one and two of the amendment and add the rest after section 1 of the original bill.

Mr. Craner moved
To lay the bill with the amendments on the table.
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Craner, Crooks, Holmes, McInnich, Stevens, Smith of Yamhill, Smith of Polk, Zieber and Mr. Speaker—10.

Nays—Messrs. Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Slater, Shattuck, T'Vault, Watson—17.

So the motion was lost.

Mr. McInnich moved
To adjourn.
Mr. Bonham moved
To amend by adjourning to 7 o'clock this evening.
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, and Craner—2.

Nays—Messrs. Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Mr. Speaker—25.

So the amendment was lost.
The question being,
Shall the House adjourn?
The yeas and nays were called, and resulted as follows:

Yeas—Messrs. Bowlby, Craner, Holmes, McInnich—4.

Nays—Messrs. Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McGee, Newcomb,

Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber, and Mr. Speaker—23.

So the House refused to adjourn.

The question being upon the amendment of Mr. Slater.

The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Dryer, Hedges, Jennings, McIninch, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Shattuck and Mr. Speaker—14.

Nays—Messrs. Chapman, Crooks, Hannah, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Smith of Polk, T'Vault, Watson, and Zieber—13.

So the amendment was lost,

Mr. Bonham moved

To amend the amendment of Mr. Chapman, by striking out the word Governor in the 6th section, and insert Secretary.

Mr. Slater moved

To adjourn until 7 o'clock P. M.

Upon which the yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Crooks, Dryer, Hannah, Jennings, Nichols, Parker, Slater, and Mr. Speaker—10.

Nays—Messrs. Craner, Chapman, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson and Zieber—17.

So the motion was lost.

Mr. Smith, of Yamhill, moved

To adjourn until 10 o'clock Monday morning.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Craner, Jennings, McIninch, Smith of Yamhill, Zieber and Mr. Speaker—6.

Nays—Messrs. Bonham, Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McGee, Newcomb,

Nichols, Parker, Stevens, Slater, Smith of Polk, Shattuck, T'Vault, and Watson—21.

Mr. T'Vault moved
To reconsider the vote taken on the amendment of Mr. Slater.
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Mr. Speaker—27.

Nays—none.

So the motion was agreed to.

Mr. McInnch moved
To adjourn.
Upon which the yeas and nays being demanded resulted as follows:

Yeas—Messrs. Bonham, Craner, Crooks, Holmes, Smith, of Polk, and Mr. Speaker.—6.

Nays—Messrs. Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McInnch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith, of Yamhill, Shattuck, T'Vault, Watson, Zieber—21.

So the House refused to adjourn.

The question being upon the amendment proposed by Mr. Slater,
The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Craner, Dryer, Hedges, Jennings, McInnch, Slater, Smith of Yamhill, Shattuck and Mr. Speaker—11.

Nays—Messrs. Chapman, Crooks, Hannah, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Stevens, Smith of Polk, T'Vault, Watson and Zieber—16.

So the amendment was lost.

Mr. Slater moved
To adjourn until 7 o'clock this evening.
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bowlby, Crooks, Dryer, Hannah, Hedges, Jennings, McGee, Nichols, Parker, Slater, Smith of Yamhill, Shattuck and Mr. Speaker—12.

Nays—Messrs. Bonham, Craner, Chapman, Holton, Holmes, Jones, Lasater, McIninch, Newcomb, Stevens, Smith of Polk, T'Vault, Watson and Zieber—14.

So the House refused to adjourn to 7 o'clock.

Mr. Bonham moved
To adjourn.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Bonham, Craner, Crooks, Hedges, Holmes, Jennings, Lasater, Stevens, Smith of Polk, Zieber and Mr. Speaker—11.

Nays—Messrs. Bowlby, Chapman, Dryer, Hannah, Holton, Jones, McIninch, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Shattuck, T'Vault and Watson—16.

So the House refused to adjourn.

Mr. McGee moved
To adjourn.
The yeas and nays being called, resulted as follows:

Yeas—Messrs. Bonham, Craner, Crooks, Holmes, McGee and Mr. Speaker—6.

Nays—Messrs. Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McIninch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, and Watson—20.

So the motion was lost.

A call of the House was demanded.

Absent—Strong, Tichenor and Zieber.

A further call was demanded.

On motion

A further call of the House was dispensed with.

The question being upon the amendment of Mr. Bonham,
To strike out the word Governor, and insert Secretary,
The yeas and nays being called, resulted as follows:

Yeas—Bonham, Craner, Hedges, Jennings, McIninch, Newcomb, Stevens and Speaker—8.

Nays—Bowlby, Chapman, Crooks, Dryer, Hannah, Holton, Holmes, Lasater, McGee, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault and Watson—18.

So the amendment to the amendment was lost.

Mr. Holmes
Offered the following amendment:

Section 13. *Be it further enacted*, That in case Oregon is admitted into the Union by the first Monday in June, A. D. 1859, then this act shall be void, and of no effect.

Mr. Bonham moved
To adjourn.

The yeas and nays being called resulted as follows:

Yeas—Bonham, Craner, Crooks, Holmes, Lasater, McGee, Newcomb, Stevens, Smith of Polk, Zieber and Mr. Speaker—11.

Nays—Bowlby, Chapman, Dryer, Hannah, Holton, Jennings, Jones, McIninch, Nichols, Parker, Slater, Smith of Yamhill, Shattuck, T'Vault and Watson—15.

So the House refused to adjourn.

A call of the House was demanded.

Absent—Messrs. Bowlby, McGee, Strong and Tichenor.

The sergeant-at-arms was dispatched for the absent members.

Mr. Lasater moved
To adjourn.
The yeas and nays being called resulted as follows:

Yeas—Messrs. Bonham, Craner, Crooks, Holmes, Lasater, Newcomb, Stevens, Smith of Polk and Speaker—9.

Nays—Chapman, Dryer, Hannah, Hedges, Holton, Jones, Jennings, McInnich, Nichols, Parker, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson and Zieber—16.

So the House refused to adjourn.

Sergeant-at-arms returned with Messrs. Bowlby and McGee.

On motion
A farther call of House was dispensed with.

The question being upon the amendment proposed by Mr. Holmes, to the amendment.
The yeas and nays being called resulted as follows:

Yeas—Bonham, Craner, Holmes, McInnich, Smith of Polk, a Speaker—6.

Nays—Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson and Zieber—21.

So the amendment to the amendment was lost.
Mr. Craner moved.
To amend the amendment as follows:
Add section 13, "Be it further enacted that this act shall take effect from and after the fourth of March, A. D. 1859."
The yeas and nays being called resulted as follows:

Yeas—Bonham, Craner, Holmes, McInnich, Smith of Polk, Zieber and Speaker—7.

Nays—Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault and Watson—19.
So the motion was lost.

Mr. Slater moved
To adjourn.

The yeas and nays being called, resulted as follows:

Yeas—Bonham, Craner, Crooks, Holmes, Jennings, Lasater, McGee, Newcomb, Stevens, Slater, Smith of Polk, and Speaker—12.

Nays—Bowlby, Chapman, Hannah, Hedges, Holton, Jones, McInich, Nichols, Parker, Smith of Yamhill, Shattuck, T'Vault, Watson and Zieber—14.

So the House refused to adjourn.

Mr. Shattuck
Offered the following amendment to Chapman's amendment:

"Strike out all of section two, and insert the following:

Section 2. That the seat of government of this Territory, be and the same is herby removed from Salem, and is hereby located and established at ——— in the county of ———, and each and every session of the Legislative Assembly of this Territory, whether general or special, shall be held at said ———, until a place for the permanent seat of government shall be selected in accordance with the provisions of this act."

A call of the House was demanded.

Absent—Dryer, Smith of Polk, Strong and Tichenor.

On motion,
A further call of the House was dispensed with.
Mr. Slater moved
To adjourn.
The yeas and nays were called, and resulted as follows:

Yeas—Craner, Crooks, Dryer, Holmes, Jennings, Lasater, McGee, Parker, Stevens, Slater, Watson and Speaker—12.

Nays—Bowlby, Chapman, Hannah, Hedges, Holton, Jones, McInich, Newcomb, Nichols, Smith of Yamhill, Shattuck, T'Vault, and Zieber—13.

So the House refused to adjourn.

On motion
The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Saturday, December 18th, 1858.

JAMES M. PYLE,
Chief Clerk House of Representatives.

MONDAY, DECEMBER 20, 1858.

House met pursuant to adjournment.

Absent—Holmes, Smith of Polk, Strong and Tichenor.

The journal of Saturday, the 18th instant, was read and approved.

Mr. Chapman moved
To suspend the rules,
And take up the unfinished business of the House.
He afterwards withdrew the same by consent.
Mr. Slater renewed the same motion,
Upon which the yeas and nays being demanded resulted as follows:

Yeas—Bowlby, Dryer, Hannah, Hedges, McGee, Nichols, Parker, Slater, Shattuck, and Watson—10.

Nays—Bonham, Craner, Chapman, Crooks, Helton, Holmes, Jennings, Jones, Lasater, McInnich, Newcomb, Stevens, Smith, of Yamhill, T'Vault, Zieber, and Speaker—16.

So the motion was lost.

Mr. Slater
Demanded that the unfinished business before the House be taken up.
The Speaker decided that the same was out of order.
Mr. Slater
Appealed from the decision of the Chair.

And the question being,
Shall the decision of the Chair be sustained?
The yeas and nays being called, resulted as follows:

Yeas—Bonham, Craner, Crooks, Hedges, Holmes, Jennings, Jones, Lasater, McInnich, Newcomb, Parker, Stevens, Smith, of Yamhill, Shattuck, and Zieber—15.

Nays—Bowlby, Chapman, Dryer, Hannah, Holton, McGee, Nichols, Slater, T'Vault, and Watson—10.

So the decision of the Chair was sustained.

Mr. McInnich
Presented a petition of Lydia Casner for a divorce.
On motion,
The same was referred to the standing committee on enrolled bills.

Mr. Newcomb,
Chairman of committee on corporations, reported
H. B. 38,
A bill to incorporate the Williams' Creek Water Ditch Company.
Read first time, and
Passed to second reading.
On motion,
The rules were suspended, and
The bill ordered to be engrossed, and
Read a third time to-morrow.

Mr. Chapman moved
That the rules be suspended, and the unfinished business from Saturday be taken up.
The yeas and nays being called resulted as follows:

Yeas—Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Jennings, McGee, Newcomb, Nichols, Parker, Slater, Smith, of Yamhill, Shattuck, T'Vault, Watson and Speaker—17.

Nays—Bonham, Craner, Crooks, Holmes, Lasater, McInnich, Stevens, and Zieber—8.

So the motion was agreed to.

Mr. Holton,
On leave, introduced
H. B. 89.
Not read, and nothing further done with it.

Mr. Lasater moved to adjourn.
Upon which the yeas and nays being called, resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith, of Yamhill, Shattuck, T'Vault, Watson, Zieber, and Speaker—25.

Nays—None.

So the House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

The question being on the amendment of Mr. Shattuck to Chapman's amendment,
The yeas and nays being called resulted as follows:

Yeas—Bonham, Bowlby, Dryer, Hannah, Hedges, Jennings, Nichols, Parker, Slater, Shattuck, and Speaker—11.

Nays—Craner, Crooks, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, and Zieber—16.

So the amendment was lost.

Mr. McInnich moved to adjourn.
The yeas and nays being demanded, resulted as follows:

Yeas—Bonham, Bowlby, Craner, Crooks, Holmes, Lasater, McInnich, Stevens, and Smith of Polk—9.

Nays—Chapman, Dryer, Hannah, Hedges, Holton, Jennings,

Jones, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson, Zieber, and Speaker—18.

So the House refused to adjourn.

Mr. T' Vault
Offered the following amendment:

Amend section one by inserting after "1851" and before "be," the following:

"Also, an act of the Legislative Assembly, relocating and establishing the seat of government at Salem, in the county of Marion," passed the House 8th December, 1855, and passed the Council 12th December, 1855.

Mr. McGee moved
To adjourn until 7 o'clock P. M.
The yeas and nays being called, resulted as follows:

Yeas—Bowlby, Craner, Crooks, Holmes, Lasater, McInnch, McGee, Nichols, Stevens, Slater, Watson, and Speaker—12.

Nays—Bonham, Chapman, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Newcomb, Parker, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, and Zieber—15.

So the House refused to adjourn to 7 o'clock.

The question being on T'Vault's amendment,
The yeas and nays being called, resulted as follows:

Yeas—Chapman, Crooks, Dryer, Hannah, Hedges, Holmes, Holton, Jennings, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault and Watson—21.

Nays—Bonham, Bowlby, Craner, McInnch, Zieber, and Speaker—6.

So the amendment was agreed to.

On motion of Mr. Slater,
The House adjourned until 7 o'clock, P. M.

EVENING SESSION.

House met pursuant to adjournment.

H. B. 12 still pending.

Mr. Bonham offered the following amendment:

Amend Section 9, by striking out the words "calling a special election to be held on the first Monday in October, A. D. 1859, in the several precincts of Oregon," and insert, "It shall be submitted to the people at the next general election."

The yeas and nays being called, resulted as follows:

Yeas—Bonham, Craner, Chapman, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Zieber and Speaker—18.

Nays—Bowlby, Crooks, Dryer, Hannah, Nichols, Parker, Slater, Shattuck and Watson—9.

So the amendment was agreed to.

Mr. Dryer moved
The previous question.
Whereupon, the question being,
Shall the previous question be put?
The yeas and nays being demanded, resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jennings, Jones, Lasater, McGee, Nichols, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Speaker—24.

Nays—Craner, Holmes and McInnich—3.

So the House seconded the previous question.

Whereupon,
The question being upon the adoption of the amendment to H. B. 12, as amended,

The yeas and nays being called, resulted as follows:

Yeas—Chapman, Crooks, Hannah, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault and Zieber—14.

Nays—Bonham, Bowlby, Craner, Dryer, Hedges, Jennings, McIninch, Nichols, Parker, Slater, Shattuck, Watson and Speaker—13.

So the amendment was adopted.

Mr. Chapman moved
The bill be engrossed, and
Read a third time to-morrow.

Mr. Holmes moved
To amend, by ordering the bill engrossed, and made the special order of January 5th, 1859.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Crooks, Dryer, Holmes, Lasater, McIninch, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Zieber and Speaker—15.

Nays—Chapman, Hannah, Hedges, Holton, Jennings, Jones, McGee, Newcomb, Smith of Polk, Shattuck, T'Vault and Watson—12.

So the amendment was agreed to.

On motion
The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Monday, December 20, 1858.

JAMES M. PYLE,
Chief Clerk House of Representatives.

TUESDAY, December 21, 1858.

House met pursuant to adjournment.

Absent—Nichols, Slater, Strong and Tichenor.

The journal of yesterday was read and approved.

Mr. Crooks offered the following resolution:
H. J. R. 11,

Resolved by the House, the Council concurring, That when the Legislative Assembly adjourn this evening, the 21st day of December instant, it do adjourn until Monday, the 3d of January, 1859.

Adopted.

Mr. Jennings
Presented the petition of George Kellogg, for a divorce.
On motion,
The same was referred to a select committee of three.
The Chair appointed
Messrs. Stevens, Jennings and Slater as such committee.

Mr. Holton
Presented a petition of Reuben Olds for a divorce.
On motion,
Referred to the standing committee on counties.

Mr. T' Vault
Presented a petition of James R. Peters and others, for a charter for a Water Ditch, near Sterling, in Jackson county.
On motion,
The same was referred to a select committee of three.
The Chair appointed
Messrs. T'Vault, Chapman and Newcomb as such committee.

Mr. Zieber
Presented a petition of Enoch Cooper and others, praying a relocation of a part of the Territorial road leading from Salem to Dayton, by way of Matheney's ferry.

Referred to a select committee of three.
The Chair appointed
Messrs. Zieber, Holmes and Jennings as such committee.

Mr. McIninch,
On leave, introduced
H. B. 39,
A bill to divorce Lydia Canner.
Read first time,
And ordered printed.

H. B. 29,
A bill to divorce Fanny Cohen,
Was read a second time,
Ordered engrossed, and read third time on the 6th day of January next, 1859.

H. B. 17,
A bill to relocate a road from Oregon City to Pleasant Hill,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 18,
To incorporate the Jacksonville and Josephine Wagon Road Company,
Was read a second time,
Ordered engrossed, and
Read third a third time January 4th, 1859.

H. B. 19,
Was read a second time, and
On motion,
Referred to the committee on corporations.

H. B. 20,
A bill for the relief of N. A. Cornoyer, sheriff of Marion county,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

Mr. Watson moved
To reconsider the vote passing H. B. 38 to the third reading.
The motion was lost.

Mr. Parker,
On leave, introduced
H. B. 40,
A bill to exempt lands and homesteads from attachment and forced sale.
Read first time,
And ordered printed.

H. B. 30,
A bill to divorce Mary A. Dennis,
Was read a second time,
Ordered engrossed, and
Read a third time January 5th, 1859.

H. B. 28,
A bill to divorce Nancy B. Walling,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.
A call of the House was demanded.

Absent—Bowlby, Dryer, Jones, Nichols, Slater, Shattuck, Strong and Tichenor.

A farther call was dispensed with.

H. B. 21,
Relating to fees of certain officers,
Was read a second time.
On motion of Mr. Bonham,
The bill was ordered engrossed, and
Read a third time to-morrow.

H. B. 23,
A bill to divorce Philester Lee,
Was read a second time.
On motion of Mr. McIninch,

Ordered engrossed, and
Read third time January 5th, 1859.

H. B. 24,
A bill to divorce Lucy Smith,
Was read a second time, and
On motion of Mr. Chapman,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 25,
A bill to divorce B. Woodard,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 26,
A bill to divorce Mahala Card,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 27,
A bill for the relief of J. H. Lewis, Treasurer of Polk county,
Was read a second time.
On motion,
Referred to committee of the whole House.

H. B. 31,
Locating the county seat of Curry county,
Was read a second time.
Mr. T'Vault moved
That the same be engrossed, and
Read a third time to-morrow.
Mr. Stevens moved
To amend by referring to committee on counties.
The amendment was agreed to.

H. B. 32,
A bill to change the territorial road from Albany, in Linn county, to Drift Creek, in Marion county,

Was read a second time.
On motion of Mr. Lasater,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 34,
For the relief of Philip Geerheart,
Was read a second time.
On motion of Mr. Parker,
The same was referred to the committee on claims.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Holmes moved
To reconsider the vote adopting the amendment to
H. B. 12,
And withdrew the same.
Whereupon the motion was renewed by Mr. T'Vault,
And on motion, the same was laid on the table.

H. B. 35,
A bill for the relief of John Beeson,
Was read a second time, and
On motion,
Ordered engrossed, and
Read a third time to-morrow.

C. B. 3,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

C. B. 4,
Was read a second time.

Mr. Jennings moved
That the same be engrossed, and
Read a third time to-morrow.
Mr. Hannah moved
To amend, by referring to committee on corporations.
The amendment was agreed to.

C. B. 6,
Was read a second time.
On motion,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 38,
A bill to incorporate the Williams Creek Water Ditch Company,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays being demanded, resulted as follows:

Yeas—Bonham, Craner, Chapman, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Smith of Yamhill, Smith of Polk, and T'Vault—17.

Nays—Hannah, Watson, Zieber, and Speaker—4.

So the bill passed, and the title was agreed to.

H. B. 11,
A bill to extend the charter of the Illinois Valley Wagon Road Company,
Was read a third time.
And the question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—19.

Nays—None.

So the bill passed, and the title was agreed to.

Mr. Hannah moved
To reconsider the vote referring
C. B. 4,
To committee on corporations.
The motion was agreed to.
On motion of Mr. Jennings,
The bill was ordered engrossed, and
Read a third time to-morrow.

H. Bill,
A bill creating a redemption fund for Jackson county,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays being called, resulted as follows:

Yeas—Bonham, Craner, Chapman, Hannah, Hedges, Holton, Holmes, Jennings, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—21.

Nays—None.

So the bill passed, and the title was agreed to.

A message from the Council:

Mr. Speaker: I am instructed by the President to inform you that the Council has passed the accompanying resolution,
C. J. R. 4,
In reference to an appropriation to extend the surveys of public lands east of the Cascade Mountains.
Also, that the Council has passed the accompanying bill,
C. B. 8,
Authorising Henry D. Green to establish a gas manufactory in the city of Portland.
And the same is herewith transmitted for your concurrence.

N. HUBER, Clerk.

C. B. 8,
Was read a first time, and
Passed to a second reading.

C. J. R. 4,

Urging an appropriation by Congress to extend the Government surveys east of the Cascade Mountains,

Was read and adopted.

A message from the Council:

MR. SPEAKER: I am instructed by the President to inform you that the Council has concurred in the passage of

H. B. 3,

For the relief of D. William Douthit and William McMillin,

And return the same to the House for enrollment.

Also, that the Council has passed

C. B. 2,

To change the practice and fix the time of holding courts; and

C. B. 5,

To divorce Dillard Martin.

And transmit the same for the concurrence of the House.

N. HUBER, Clerk.

C. B. 2,

A bill to change the practice and fix the time of holding courts,

Was read the first time.

On motion,

The rules were suspended, and

The bill read a second time.

On motion of Mr. T'Vault,

Referred to the judiciary committee.

C. B. 5,

Divorcing Dillard Martin,

Was read the first time, and

Passed to a second reading.

A message from the Council, by N. Huber, clerk:

MR. SPEAKER—I am instructed by the President to inform you that the Council has concurred in the adoption of

H. J. R. 11,

Adjourning the two Houses to the 3d day of January, 1859.

And the same is herewith returned to the House.

N. HUBER, Clerk.

On motion of Mr. Craner,

The House adjourned to Friday, 6, 1859, at 10 o'clock, A. M.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Tuesday, December 21, 1858.

JAMES. M. PYLE, *Clerk*.

MONDAY, January 3, 1859.

House met pursuant to adjournment.

Present—Bonham, Bowlby, Crooks, Dryer, Hannah, Hedges, Holton, Jones, McGee, Newcomb, Parker, T'Vault, Watson and Speaker—14.

Mr. Dryer moved
A call of the House.

Absent—Craner, Holmes, Jennings, Lafater, McIntosh, Nichols, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Strong, Tichenor and Zieber—14.

A quorum not being present,
On motion,
House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Present—Bonham, Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holmes, Jones, McGee, Newcomb, Parker, T'Vault, Watson and Speaker—16.

The Journal of Tuesday, December 21st, was read and approved.

Mr. Dryer

Presented a memorial of certain citizens of Multnomah county, to amend the law of 1854, entitled "An act to repeal the exclusive privilege conferred on James B. Stevens."

On motion,

The same was referred to

The standing committee on roads and highways.

Mr. Parker

Presented a remonstrance from citizens of Astoria, against the proposed change of the boundaries of said town of Astoria.

On motion,

The same was referred to

The standing committee on corporations.

Mr. Chapman

Presented a petition from Samuel Abbott and Marion Abbott, for a divorce.

On motion,

The same was referred to

The committee on judiciary.

Mr. Chapman

Presented a petition of J. Spores and others, for a review of a Territorial road leading from Oregon City, by West Point, to Spores' ferry, in Lane county.

On motion,

The same was referred to

The standing committee on roads and highways.

Mr. Dryer

Presented a remonstrance from certain citizens of Multnomah county, against the granting of a charter applied for, for a turnpike road near Portland.

On motion,

The same was referred to

The committee on corporations.

Mr. Hannah

Presented a petition from Hosteg Williams for divorce.

On motion,
The same was referred to
The committee on the judiciary.

Mr. Hedges
Presented a petition from citizens of Oregon Territory, praying the passage of a law requiring the inspection of flour by a proper commissioner.
On his motion,
The same was referred to
The standing committee on counties.

Mr. Dryer arose to a privileged question, and presented
H. B. 41,
To amend an act incorporating the city of Portland.
Read first time,
And ordered printed.

Mr. Hedges, from committee on counties,
To whom was referred
H. B. 31,
Entitled, a bill to legalize an informal vote locating the county seat of Curry County,
Reported the same back to the House, and recommended its passage.
On motion of Mr. T'Vault,
The rules were suspended, and
The bill ordered engrossed, and
Read a third time to-morrow.

Mr. Newcomb,
Chairman of standing committee on corporations, reported
H. B. 42,
A bill to incorporate the Monger Creek Water Ditch Company.
Read first time,
And ordered printed.

Mr. Chapman moved
To take from the table the motion to reconsider the vote passing
H. B. 12,
Relocating the seat of government.

The yeas and nays being called resulted as follows:

Yeas—Chapman, Hannah, Holton, Jones, McGee, Newcomb, and T'Vault—7.

Nays—Bonham, Bowlby, Crooks, Dryer, Hedges, Holmes, Lasater, Parker, Watson and Speaker—10.

So the motion was lost.

Mr. Holton,
On leave, introduced
H. B. 43,
A bill to incorporate Laurel Lodge No. 13, F. and A. M., at Roseburg, Oregon.
Read first time
And ordered printed.

Mr. Crooks
Introduced the following resolution:

Resolved by the House, the Council concurring, That in the opinion of this legislative body, the granting of divorces is a matter of doubtful expediency, and one which is rendered more so from the fact that, in all probability, we are now a State in the Union, and, in that event, the legality of such acts might be questioned, inasmuch as the Constitution of the State of Oregon forbids such acts by the Legislative Assembly, therefore we respectfully decline any further action thereon.

Mr. Dryer moved
To lay the resolution on the table, withdrew the same, and then renewed it.

The yeas and nays being called, resulted as follows:

Yeas—Dryer, Holton, Holmes, Jones, Parker, Watson and Speaker—7.

Nays—Bonham, Bowlby, Crooks, Chapman, Hannah, Hedges, Lasater, McGee, Newcomb and T'Vault—10.

So the House refused to lay on the table.

To indefinitely postpone.

The yeas and nays were called for,

Pending which, the House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Monday, January, 3, 1859.

JAMES M. PYLE,

Chief Clerk House of Representatives.

TUESDAY, JANUARY 4, 1859.

House met pursuant to adjournment.

Absent—Bonham, Craner, Holmes, Jennings, McInnich, Nichols, Slater, Shattuck, Strong, and Tichenor.

The journal of yesterday was read, amended and approved.

Mr. Chapman presented

A petition from certain citizens of Lane county, asking the Legislature to recognize the right of citizens of Oregon Territory to the protection of slave property; and moved its reference to the judiciary committee.

Mr. T'Vault moved

To amend, by referring to a select committee.

The yeas and nays being called resulted as follows:

Yeas—Bonham, Chapman, Crooks, Hannah, Hedges, Jones, Newcomb, Smith of Yamhill, T'Vault, Zieber, and Speaker—11.

Nays—Bowlby, Dryer, Holton, Holmes, Lasater, McInnich, McGee, Parker, Stevens, Smith of Polk, and Watson—11.

So the amendment was lost.

The question recurring on the motion to refer to judiciary committee,

The motion was agreed to.

Mr. T'Vault presented

Two petitions from certain citizens of Oregon, praying the enactment of a law to protect slave property.

On motion,

The same was referred to the judiciary committee.

Mr. Parker presented

A petition of J. Lamphear for a divorce, and moved its reference to the judiciary committee.

Mr. T'Vault moved

To amend, by instructing said committee to report if it is policy for this Legislature to grant divorces, when the cause assigned is one of the causes set out in the statutes.

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, Newcomb, T'Vault, and Watson—11.

Nays—Dryer, Holmes, McInnich, McGee, Parker, Stevens, Smith of Yamhill, Smith of Polk, Zieber, and Speaker—10.

So the amendment was agreed to, and the petition referred to the judiciary committee.

Mr. Zieber

Presented a petition from Sarah Derby for a divorce from her husband, Thomas Derby.

On motion,

Referred to committee on the judiciary.

Mr. Parker

Presented a petition of certain citizens, including several ladies, for the enactment of a prohibitory liquor law, to be submitted to a vote of the people.

On motion of Mr. Smith, of Yamhill,

The same was referred to a select committee of five.

The Speaker appointed Messrs. Parker, Smith of Yamhill, T'Vault, Hannah, and Jones, said committee.

Mr. Holbin called for the reading of
H. B. 44,
Introduced by him December 20, 1858,
Entitled "A bill for the relief of the indigent sick of Jackson and Josephine counties."
Read first time
And ordered printed.

Mr. Smith, of Polk,
Presented a memorial of certain citizens of Oregon for the amendment of an act conferring certain ferry privileges on Jas. B. Stevens.
On motion,
Referred to committee on roads and highways.

Mr. Watson, on leave, introduced:
H. B. 45,
A bill to amend an act taxing Chinamen.
Read first time
And ordered printed.

Mr. Dryer introduced:
H. B. 46,
A bill to substitute the ballot for the *viva voce* mode of voting.
The bill was read the first time.
Mr. Holmes moved
That the bill be rejected.
Pending which motion, the House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

The question being upon the motion to reject
H. B. 46,
To repeal the viva voce law,
The yeas and nays being called, resulted as follows:

Yeas—Bonham, Holmes, McInnich, McGee, Newcomb, and Smith of Polk—6.

Nays—Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, Parker, Stevens, Smith of Yamhill, T'Vault, Watson, Zieber, and Speaker—16.

So the House refused to reject the bill.

Mr. Lasater gave notice that on to-morrow, or some subsequent [day] of the session, he would introduce a bill for the re-location of a part of the territorial road from Salem to Philip Foster's, in Clackamas county.

Mr. McInnich

Presented a remonstrance against the location of a territorial road from Polley's mill, in Marion county, to Scio, in Linn county.

On his motion,

The same was referred to the committee on education.

Mr. T'Vault, from the judiciary committee, reported H. B. 47,

A bill to divorce Hessey Williams.

Read first time,

And ordered printed.

Mr. Hedges, from the committee on counties, reported H. B. 48,

An act to provide for the inspection of flour.

Read first time, and

Ordered printed.

Mr. Newcomb, chairman of committee on corporations, reported H. B. 49,

A bill to incorporate the Powell's Creek Water Ditch Company.

Read first time, and

Ordered printed.

Mr. Chapman

Presented a remonstrance against the re-location of the territorial road from Dayton to Matheny's Ferry, in Yamhill county.

On motion,

The same was referred to a select committee of three,

to whom the petitions had been referred, viz:

Messrs. Zieber, Holmes, and Jennings.

Mr. Chapman

Presented a petition for a change of the territorial road from Brownsville, in Linn county, via Thurston, to the Calapooia Mountains.

On motion,

Referred to the committee on roads and highways.

Mr. Chapman

Presented a petition for a change of the territorial road leading from Eugene city, in the county of Lane, to Scottsburg, in the county of Umpqua.

On motion,

The reading was dispensed with, and the petition was

Referred to the standing committee on roads and highways.

Mr. Hannah, chairman of committee on engrossed bills,

Reported the following bills as properly engrossed:

Namely, H. B.'s 4, 8, 17, 18, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, and 35.

Mr. Dryer introduced

H. B. 50,

A bill to amend an act to provide for the public printing.

Read first time, and

Ordered printed.

Mr. Chapman

Introduced the following resolution:

H. J. R. 13,

Whereas, Settlements being made upon the public lands east of the Cascade Mountains, in the northern and southern portions of Oregon, makes it indispensably necessary that commercial offices should be established in which settlers, under the preemption laws, may file their declarations as required by said laws—Therefore,

Resolved by the Legislative Assembly of the Territory of Oregon, That our Delegate, or Senators and Representative in Congress, as the case may be, be requested to procure to be established two additional land offices in Oregon—one at the Dalles, and one at Jacksonville.

Adopted.

Mr. Parker
Offered the following resolution:
H. R. 11,

Resolved, That the committee on ways and means be instructed to report bills, or amendments to the present laws upon the subjects of revenue and taxation, in accordance with the recommendations of the said committee, made in a report by them at the early part of the session.

Adopted.

Mr. Holton,
On leave, introduced
H. B. 51,
A bill to amend an act relating to county assessors.
Read first time,
And ordered printed.

Mr. Hannah,
On leave, introduced
H. B. 52,
A bill for the relief of Clackamas county.
Read first time,
And ordered printed.

Mr. Lasater,
On leave, introduced
H. B. 53,
A bill to relocate a part of the Territorial road from Salem to Philip Foster's, in Clackamas county.
Read first time,
And ordered printed.

Mr. Holmes introduced
H. B. 54,
A bill to extend the limits of the town of Dallas, in Polk county.
Read first time,
And ordered printed.

Mr. Parker gave notice that he would, on to-morrow or some subsequent day of the session, introduce a bill authorizing county com-

missioners to offer a bounty for the scalps of bears and wolves; and also, a bill prohibiting swine from running at large.

Mr. Dryer

Offered the following resolution:

H. R 12,

WHEREAS, The Governor of Oregon, Geo. L. Curry, having neglected to inform the Legislative Assembly of the Territory of Oregon, in his messages of 1857 and 1858, or by accompanying documents, of the disbursements of moneys received from the sale of the public property of said Territory, by the Quartermaster General, the Commissary General, the Surgeon General, and other public officers, agreeably to his pledge to the Legislative Assembly;

AND WHEREAS, Complaints are frequently made, and great dissatisfaction exists among the people in relation thereto—Therefore,

Resolved by the Legislative Assembly of the Territory of Oregon, That in view of the public interests, his Excellency, Geo. L. Curry, and Quartermaster Joseph W. Drew be, and they are hereby required to communicate to this Legislature,

1st. The amount of money received from the sale of the public property.

2d. The amount paid out—to whom—and for what purpose?

3d. What amount of money remains on hand, and what disposition they propose to make of it?

Mr. Chapman moved

To amend, by striking out the preamble in regard to the Governor, Quartermaster General, Commissary General, and Surgeon General, down to the word "first," in the 21st line, and prefix the following:

"*Resolved*, That the committee on military affairs enquire into and report to this House," and add

Clause 4th. "Whether by mistake, or otherwise, any documents submitted by the Governor, have been omitted to be printed."

Which amendments were accepted by Mr. Dryer.

The question being upon the resolution, as amended,

The yeas and nays being called resulted as follows:

Yeas—Bonham, Chapman, Crooks, Dryer, Hedges, Jones, McGee, Newcomb, Parker, Smith of Polk, T'Vault, Watson and Zieber—13.

Nays—Bonham, Holton, Holmes, Lasater, McIninch, Stevens, and Speaker—7.

So the resolution, as amended, was adopted.

Mr. T'Vault

Presented a petition from certain citizens of Oregon, asking the Legislature to pass a law to protect slave property.

Referred to the judiciary committee.

Mr. Bonham moved

To adjourn.

Mr. Stevens moved

To amend, by adjourning to 7 o'clock, P. M.

Amendment lost, and

House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Reresentatives of Oregon Territory, approved by said House for Tuesday, January 4th, 1859.

JAMES M. PYLE,

Chief Clerk House of Representatives.

WEDNESDAY, JANUARY 5, 1859.

House met pursuant to adjournment.

Absent—Bonham, Chapman, Crooks, Holmes, Jennings, Jones, Nichols, Shattuck, Strong, T'Vault, Tichenor, Watson, and Zieber—13.

A call of the House was demanded.

On motion,

A further call of the House was dispensed with.

The journal of yesterday was read and approved.

Mr. Holton
Presented a petition of James Hunt for a divorce.

On motion of Mr. Newcomb,
The same was referred to a select committee of three.
The Speaker appointed
Messrs. Newcomb, Watson, and Holton.

Mr. Parker
Presented a petition for a prohibitory liquor law.
On motion,
Referred to the select committee, to whom had been referred similar petitions.

Mr. Craner
Presented a petition from A. M. Rainwater, for a charter for a ferry on the Willamette, at Albany, in Linn county.
On motion,
The same was referred to the committee on corporations.

Mr. Hedges, from the committee to whom was referred the petition of R. P. Olds for a divorce, reported
H. B 55,
A bill to divorce R. P. Olds.
Read first time, and
Ordered printed.

Mr. Lasater
Presented a petition from Peter Bilyeu, for a divorce.
On motion,
Referred to the judiciary committee.

Mr. Chapman, chairman of the judiciary committee, reported
H. B. 56,
A bill to divorce Sarah Derby.
Read first time, and
Ordered printed.

Mr. Chapman, also reported from same committee,
H. B. 57,

A bill to divorce Jonas Lamphear.
Read first time, and
Ordered printed.

Mr. Chapman
Presented a petition from C. S. Silvers, claiming to be paid money paid out by him in reclaiming a fugitive from justice.
On motion,
Referred to committee on claims.

Mr. Newcomb, chairman of committee on corporations, reported H B. 19,
Back to the House, with the following amendment:
Amend section 4, the sixteenth line, so as to read, "For each additional horse, mule, or ox, five cents," instead of "ten."
And recommended that the bill pass.
On motion,
The amendment was adopted, and
The bill ordered engrossed, and
Read a third time to-morrow.

Mr. Basham, chairman of committee on ways and means, reported H. B 14,
Back to the House, with the following amendment:
Amend by striking out all of the original bill after section 1, and insert the following:

SEC. 2. Each precinct assessor shall, previous to entering upon the discharge of the duties of his office, give bond, with good and sufficient security, to the acceptance of the board doing county business, in term time, or of the county auditor, in vacation, in the penal sum of five hundred dollars, payable to the county, and conditioned for the faithful and impartial discharge of the duties of his office, according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability; and the bond so endorsed shall be deposited with the county auditor, and by him carefully preserved.

SEC. 3. If any precinct assessor shall not give bond and security, or shall not take the oath or affirmation, as required in the

preceding section, on or before the first Monday in July next after his election, his office shall be considered vacant, and the board doing county business shall then fill such vacancy by appointment; and should any vacancy occur by death, resignation, or otherwise, the same shall be filled as provided in this section.

SEC. 4. If any assessor shall be guilty of neglect of any of the duties prescribed by law, or which may hereafter be p escribed, such assessor shall, upon presentment, indictment, or in any mode which may be prescribed by law, be fined in any sum not exceeding one hundred dollars nor less than ten dollars, at the discretion of the jury or court trying the same, for the use of common schools.

SEC. 5. Each assessor shall take an oath, or affirmation, which shall be certified by the magistrate, or other officers administering the same, and attached to the returns which he is required to make to the county auditor, in the following form:

I, ———, assessor for ——— precinct, of the county of ———, Territory of Oregon, do solemnly swear (or affirm) that the value of all real and personal property, of which a statement has been made and attested by oath or affirmation of the person required by law to list the same, is truly returned as set forth in such statements; that in every case where by law I have been required to ascertain the amount and value of real and personal property of any person, company, or corporation, I have diligently, and by the best means in my power, endeavored to ascertain the true amount and value of such real and personal property, and that, as I verily believe, the full value thereof, so ascertained by me, and estimated by the rules prescribed by law, is set forth in the annexed return; that in no case have I knowingly omitted to demand a statement, on oath, of the description and value of all taxable property which any person is required by law to list; nor have I, in any way, connived at any violation or evasion of any of the requirements of law in relation to listing or valuing taxable property.

SEC. 6. All laws in conflict with the provisions of this act, are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

The amendment was adopted.

Mr. Parker moved

The bill be considered engrossed, and

Read a third time to-morrow.

Mr. Chapman moved

To amend, ordering the bill printed.

The amendment was agreed to.

Mr. Chapman moved

To take from the table the motion to reconsider the vote adopting the amendment to

H. B. 12.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

A call of the House was demanded.

Absent—Bonham, Dryer, Jennings, Nichols, Shattuck, Strong, Tichenor, and Zieber.

The Sergeant-at-Arms was dispatched for absent members.

On motion,

A further call of the House was dispensed with.

Mr. Craner demanded a call of the House.

Absent—Messrs. Jennings, Nichols, Shattuck, Strong, Tichenor, and Zieber.

On motion,

A further call was dispensed with.

The question being upon the motion to reconsider the vote adopting amendment to

H. B. 12,

The yeas and nays being called, resulted as follows:

Yeas—Bonham, Bowlby, Dryer, Holmes, Lasater, Parker, Stevens, Slater, Smith of Polk, Watson, and Speaker—11.

Nays—Craner, Chapman, Crooks, Hannah, Hedges, Holton, Jones, McInnch, McGee, Newcomb, Smith of Yamhill, and T'Vault—12.

So the House refused to reconsider.

Mr. McGee moved to adjourn.
Mr. Hannah moved
To amend by adjourning to seven o'clock this evening.
The amendment was agreed to, and the House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

A call of the House was demanded.

Absent—Bonham, Craner, Hannah, Holton, Jennings, Nichols, Parker, Shattuck, Strong, and Tichenor.

On motion,
A further call was dispensed with.

Mr. Chapman moved to amend
H. B. 12,
As follows: In section 12, first line after the word "Oregon," and before the word "in," insert the words, "For public buildings." In the same section, second line, after the word "Governor," and before the word "and," insert the following: "And published in four of the newspapers of Oregon."

The amendments were agreed to.

On motion of Mr. Chapman,
H. B. 12,
Was read the third time.

The question being, shall the bill pass?

The yeas and nays being called, resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, and Zieber—16.

Nays—Bonham, Craner, Holmes, Lasater, McIninch, Stevens, Watson, and Speaker—8.

So the bill passed, and the title was agreed to.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Wednesday, January 5, 1859.

JAMES M. PYLE,

Chief Clerk House of Representatives.

THURSDAY, JANUARY 6, 1859.

House met pursuant to adjournment.

Absent—Bonham, Holton, Holmes, Jennings, Nichols, Smith of Yamhill, Shattuck, Strong, and Tichenor.

The journal of yesterday was read and approved.

Mr. Holmes

Presented a petition for a territorial road through Polk and Tillamook counties.

On motion,

Referred to committee on roads and highways.

Mr. Slater

Presented a petition of Elisabeth Jane Williams, for a divorce.

On motion,

Referred to the committee on the judiciary.

Mr. Bonham introduced

H. B. 58,

A bill for the relief of certain creditors of the Territory.

Read first time,

And ordered printed.

Mr. Craner introduced the following resolution;

H. J. R. 14,

Resolved by the House, the Council concurring, That this Assembly adjourn *sine die* on Monday, 17th January instant.

Mr. T'Vault moved

To amend by striking out "17th January," and inserting "22d January."

Mr. Slater moved

To lay the resolution and amendments on the table until Saturday, January 8th.

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Dryer, Hannah, Jones, Lasater, McGee, Parker, Stevens, Slater, T'Vault, and Watson—13.

Nays—Bonham, Craner, Hedges, Holton, Holmes, McIninch, Newcomb, Smith of Yamhill, Smith of Polk, Zieber, and Speaker—11.

So the motion was agreed to.

Mr. Holmes

Presented a petition of certain citizens for the enactment of a prohibitory liquor law.

On motion,

The same was referred to a select committee, to whom was referred similar petitions, of which Mr. Parker is chairman.

Mr. Smith, of Yamhill,

Presented a petition from citizens of Yamhill county, to vacate a portion of the territorial road from Salem, in Marion county, to Dayton, in Yamhill county.

On motion,

Referred to a select committee,

Consisting of Messrs. Zieber, Holmes, and Bowlby.

The Speaker appointed Mr. Bowlby in the place of Mr. Jennings on all committees upon which Mr. Jennings has been appointed, in consequence of his absence.

Mr. Parker, on leave, introduced
H. B. 59,
A bill to encourage the destruction of noxious animals, and to provide bounties to persons destroying the same.
Read first time, and
On motion of Mr. McIninch,
The bill was referred to the committee on Indian affairs.

On motion of Mr. T'Vault,
Mr. McIninch was placed on the committee on Indian affairs in place of Mr. Tichenor, who is absent.

Mr. Bowlby introduced
H. B. 60,
A bill to incorporate the Tualitan River Navigation Company.
Read first time,
And ordered printed.

Mr. Holton introduced
H. B. 61,
A bill to incorporate Western Star Lodge No. 13, of A. F. M.
Read first time, and
Ordered printed.

Mr. McIninch introduced
H. B. 62,
A bill for the relief of school district No. 4, in Linn county.
Read first time, and
Ordered printed.

Mr. Hannah introduced
H. B. 63,
A bill to repeal certain parts of an act, and to revive certain parts of another act relating to the assessment and collection of taxes.
Read first time,
And ordered printed.

Mr. Holton, from joint committee on enrolled bills, reported
H. B.'s 1, 2, 3 and 5,
And also,
H. J. M.'s 1 and 2,
And H. J. R.'s 6 and 9,
As properly enrolled.

Mr. Zieber,
From select committee of five, to whom was referred
H. B. 13,
For the relief of Yamhill county,
Reported the same back to the House, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. That the Territorial Auditor be, and he hereby is authorized and required to issue to the Territorial Treasurer of Yamhill county his certificate, authorizing said treasurer to retain in the treasury of said county, the sum of nine hundred and fourteen dollars and sixteen cents, as the full amount of Territorial revenue assessed on real estate in said county in the year 1854 and 1855, at which time real estate was not legally taxable.

"SEC. 2. This act shall take effect and be in force from and after its passage."

On motion,
The amendment was adopted.

On motion of Mr. Dryer,
Referred to a committee of the whole House.

Mr. Newcomb,
From special committee to whom was referred a petition of James Hunt, for divorce, reported
H. B. 64,
A bill to divorce James Hunt.
Read first time,
And ordered printed.

Mr. Watson gave notice that he would, on to-morrow, or some subsequent day of the session, introduce
A bill to establish claims in quartz leads and veins.

H. B. 32,
A bill to incorporate Oregon City
Was read a second time.
Mr. Hannah moved
To refer to a select committee of three.

Mr. Bonham moved to adjourn.
The yeas and nays being demanded, resulted as follows:

Yeas—Bonham, Bowlby, McIninch, McGee, Smith of Yamhill and Watson—6.

Nays—Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, Zieber and Speaker—18.

So the House refused to adjourn.

Mr. Lasater moved to adjourn.
Lost.

A call of the House was demanded.

Absent—Bonham, Bowlby, Craner, Holton, Holmes, Jennings, McGee, Nichols, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Strong, Tichenor and Watson—15.

The Sergeant-at-arms was dispatched for absent members.

On motion,
A further call of the House was dispensed with.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

The question being upon the motion to refer
H. B. 33,
To a select committee of three,

The motion was agreed to.
The Speaker appointed
Messrs. Hannah, Chapman, and Hedges as such committee.

Mr. Chapman
Chairman of committee on military affairs,
On leave, submitted the following report:

The committee on military affairs, to whom was referred a resolution of the House, instructing them to enquire, amongst other things, whether any document accompanying the Governor's Message had been omitted to be printed, report:

That they have so far investigated the subject as to be able to say, that a certain document accompanying the message, (whether intented to be made a part thereof, they are yet unable to say,) was taken from the Clerk's table without permission of the House, and therefore never reached the printer.

Your committee is of opinion that no blame attaches to the printer for not having printed the document. The subject is under further investigation, and the result of the whole enquiry under the resolution, will be submitted to the House as soon as practicable.

W. W. CHAPMAN,
Chairman.

Laid on the table, and
Ordered printed.

Mr. Chapman,
Chairman of judiciary committee, reported
H. B. 65,
A bill to protect property in slaves, with accompanying report.
[For report, see appendix.]
The bill was read first time
And ordered printed.

On motion of Mr. Dryer,
The report was ordered to be printed with the bill.

Mr. Chapman, chairman of the judiciary committee, reported
C. B. 2,
Back to the House with the following amendment:

Strike out, in section 8, all after the word "November," where it first occurs in the eleventh line, up to the word "provided," in the fifteenth line, and insert the following: For the third judicial district, in the county of Josephine, on the first Mondays of February, June, and October. In the county of Jackson, on the second Monday of February, June, and October. In the county of Douglas, on the first Mondays in March and August. In the county of Umpqua, on the second Mondays in March and August. In the county of Coos, the second Monday in July. In the county of Curry, on the third Monday in July.

Add to section 8, the following; Grand juries shall not sit longer than three days at any one term of court, unless for special reasons, to be entered of record, the court shall so order and permit.

Add the following section between sections 8 and 9: That the minutes of the preceding day shall be read every morning in open court, and signed by the presiding judge; and after the adjournment of the term, no entry or alteration shall be made in the records, except in pursuance of law.

Strike out seventh section, and insert the following;

SEC. 7. That a term of the Supreme Court shall be held at the seat of government on the first Monday in December next, and thereafter a term of said court shall be held at the seat of government on the first Monday of December annually.

On motion,
The amendment was adopted.

Mr. Hannah moved
The bill be engrossed, and
Read a third time to-morrow.
Mr. Slater moved
To amend, by referring to a committee of the whole House.
The amendment was adopted.

Mr. Chapman
Presented a petition from John Kennedy, for a divorce.
Mr. McGee moved to lay on the table.
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Chapman, Hannah, and McGee—4.

Nays—Bowlby, Chapman, Crooks, Dryer, Hedges, Holmes, Holton, Jones, Lasater, McInnich, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—20.

So the House refused to lay the petition on the table.

On motion of Mr. Smith, of Yamhill,
The same was referred to the judiciary committee.

Mr. Smith, of Yamhill,
Presented a petition from Mary Culbertson, for a divorce.
And moved its reference to a select committee of three.
Mr. T'Vault moved
To amend, by referring back to Mr. Smith, of Yamhill, with instructions to report by bill.

Mr. McInnich, from the committee on education, reported
H. B. 9,
A bill to locate a territorial road from Polley's mill to Scio, in Linn county,
Back to the House, with a recommendation that no further action be taken upon said bill.
On motion,
The report was adopted.

Mr. Hannah, chairman of committee on engrossed bills, reported
H. B. 19,
As properly engrossed.

H. B. 30,
Was read a second time, and
Referred to committee of the whole House.

On motion of Mr. T'Vault,
H. B. 14,
Was referred to committee of the whole House.

H. B. 37,
A bill to incorporate the Applegate Ditch Company,
Was read a second time, and
Ordered engrossed, and
Read a third time to-morrow.

H. B. 39,
A bill to divorce Lydia Casner,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 40,
A bill to exempt lands and homesteads from attachment and forced sale,
Was read a second time, and
On motion of Mr. T'Vault,
The same was referred to a committee of the whole House.

H. B. 41,
A bill to amend an act to incorporate the city of Portland,
Was read a second time, and
On motion of Mr. Dyer, was
Referred to a committee of the whole House.

H. B. 42,
A bill to incorporate the Monger Creek Water Ditch Company,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 43,
A bill to incorporate Laurel Lodge No. 13,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 44,
A bill to provide for the maintenance of the poor and indigent sick in Josephine and Jackson counties,
Was read a second time, and
On motion,
Referred to a committee of the whole House.

H. B. 45,
Amending an act to protect Chinamen,
Was read a second time.

Mr. T'Vault moved
To refer the bill to a select committee of three.
Mr. Craner moved
To amend, by referring to a committee of the whole House.
The amendment was lost, and
The motion was agreed to.
The Speaker appointed
Messrs. T'Vault, Watson and Chapman said committee.

Mr. McIninch,
On leave, introduced
H. B. 66,
A bill for the relief of School District No. 2, in Linn county.
Read first time, and
Ordered printed.

H. B. 46,
A bill to substitute the ballot for the *viva voce* mode of voting,
Was read a second time, and
On motion of Mr. T'Vault,
Referred to a committee of the whole House.

H. B. 47,
A bill to divorce Hessey Williams.
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 48,
An act to provide for the inspection of flour,
Was read a second time, and
On motion,
Referred to a committee of the whole House.

H. B. 49,
A bill to incorporate the Powell's Creek Water Ditch Company,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 50,
A bill to amend an act providing for the public printing,

Was read a second time.
On motion of Mr. Bryer,
Referred to committee of the whole House.

H. B. 51,
A bill to amend an act relating to county assessors,
Was read a second time, and
On motion,
Referred to committee of the whole House.

H. B. 52,
A bill for the relief of Clackamas county,
Was read a second time.
On motion,
Referred to committee of the whole House.

H. B. 53,
A bill to relocate a part of the Territorial road from Salem to Philip Foster's, in Clackamas county,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 54,
A bill to extend the limits of the town of Dallas, in Polk county,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 55,
A bill to divorce Reuben P. Olds,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B 56,
A bill to divorce Sarah Derby,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

C. B. 5,
A bill to divorce Dillard Martin,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

C. B. 8,
A bill to incorporate a Gas Company in Portland,
Was read a second time.
On motion of Mr. Dryer,
The same was referred to a select committee of three.
The Chair appointed
Messrs. Dryer, Chapman, and Slater as such committee.

H. B. 4,
A bill to incorporate the Cascade Mountain Wagon Road Company,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays being called resulted as follows:

Yeas—Bonham, Bowlby, Craner, Dryer, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Smith of Yamhill, Smith of Polk, Zieber and Speaker—17.

Nays—Crooks, Hannah, Hedges, Slater, and T'Vault—5.

So the bill passed.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of Oregon Territory, approved by said House for Thursday, January 6th, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

FRIDAY, JANUARY 7, 1859.

House met pursuant to adjournment.

Absent—Bonham, Jennings, Nichols, Stevens, Strong, and Tichenor.

The journal of yesterday was read and approved.

The Speaker announced that he had signed the following bills:
H. B.'s 1, 2, 3 and 5;
Also,
H. J. M.'s 1 and 2;
Also,
H. J. R.'s Nos. 6 and 9.

Mr. Shattuck
Presented a memorial for the repeal of the Stevens ferry charter.
On motion,
Referred to the committee on corporations.

Mr. Parker
Presented two petitions for the enactment of a prohibitory liquor law.
On motion,
Referred to committee to whom has been referred similar petitions.

Mr. Chapman
Presented a petition from Archibald Rader and others, praying for a charter for a Wagon Road, by way of McKenzie's fork, over the Cascade mountains to the Deschutes river.
The same was referred to the committee on corporations.

Mr. Smith, of Yamhill,
Presented two petitions for a prohibitory liquor law to be submitted to the people.
On motion,
Referred to the select committee to whom had been referred similar petitions.

Mr. T'Vault, chairman of committee on Indian affairs, reported H. B. 59,

"For the destruction of noxious animals,"

Back to the House, with recommendations that it is inexpedient to legislate on that subject at the present time.

Mr. McIninch moved to adopt the report.

Mr. Smith, of Yamhill, moved

To amend by laying the report on the table,

The amendment was lost, and the motion was lost.

Mr. Parker moved

The committee be discharged, and

The bill ordered printed.

Agreed to.

Mr. Craner, chairman of committee on claims,

To whom was referred a petition from Roberts & Shartle, asking relief, reported as follows:

Your committee to whom was referred the claim of Roberts & Shartle against the Teritory, together with the testimony of witnesses taken in support of such claim, before the commissioner appointed by the Legislative Assembly of the Territory of Oregon for the purpose of investigating and determining the merits of all claims against the Territory growing out of contracts with the Penitentiary Commissioners, have had the same under consideration, and now ask leave to make the following report:

Your committee find, upon investigation, that Jacobs & Co., in September, 1853, contracted to build the Penitentiary, and to furnish all the stone and other materials—iron excepted—for such purpose; whereupon Jacobs & Co., contractors with the Penitentiary Commissioners sub-let a contract to Roberts & Shartle to furnish the stone for said Penitentiary; after which, owing to some misunderstanding between the contractors, the contract was abandoned, and the stone that had been gotten out and furnished by Roberts & Shartle, was rejected by the Commissioners as being wholly unfit for building purposes.

And therefore, inasmuch as Roberts & Shartle were not contractors with the Commissioners, but sub-contractors under Jacobs &

Co., for the delivery of stone, your Committee are of the opinion that Roberts & Shartle have no legal claim against the Territory for any breach of contract that may have been between them and Jacobs & Co. But at the same time that your committee are of the opinion that the said Roberts & Shartle have no *legal* claim against the Territory, they are satisfied that the said Roberts & Shartle were great sufferers by the rejection of stone furnished by them for Penitentiary purposes.

And, although your committee are of the opinion that the said Roberts & Shartle have no legal claim against the Territory, they will not undertake to say that they have not an equitable claim.

Your committee would further report that this claim of the said Roberts & Shartle was investigated by the Commissioner appointed for the purpose of investigating the claims growing out of the construction of the Penitentiary, and disallowed by him; therefore your committee cannot recommend a reopening of the investigation of said claims against the Territory. Your committee are of the opinion that if the said Roberts & Shartle have any claim, it is one of equity and not of law, and would ask leave to refer the entire matter back to the House, without recommendation.

N. H. CRANER,
Chairman.
JAMES H. SLATER,
A. F. HEDGES.

Mr. McIninch moved to adopt the report.

Mr. Chapman moved to amend

By laying on the table and printing.

The amendment was agreed to.

Mr. Dryer, from the select committee, to whom was referred

C. B. 8,

Incorporating a gas company,

Reported the same back to the House, with the following amendment:

In section 6, third line, between the words "shall" and "appear," insert the word "satisfactorily."

On motion,

The amendment was adopted.

A call of the House was demanded.

Absent—Jennings, Jones, Lasater, Nichols, Stevens, Strong, T'Vault, and Tichenor.

The Sergeant-at-Arms was dispatched for absent members.

On motion,
A further call was dispensed with.

The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Holton, Holmes, Jones, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber, and Speaker—23.

Nays—Hedges, and Lasater—2.

So the bill passed.

Mr. Chapman chairman of committee on the judiciary, reported
H. B. 67,
A bill to divorce Samuel Abbott and Marion Abbott.
Read first time, and
And ordered printed.

Mr. Chapman, chairman of judiciary committee, also reported
H. B. 68,
A bill for the relief of J. P. Kennedy.
Read first time,
And ordered printed.

Mr. Chapman, chairman of the committee on the judiciary, also reported
H. B. 69,
To divorce Peter Bilyeu.
Read first time, and
Ordered printed.

Mr. T'Vault, chairman of committee on Indian affairs, reported
H. B. 16,

For the relief of J. Elder,

Back to the House, with the recommendation that no further Legislative action be had upon the subject.

On motion,

The report was adopted.

Mr. Smith, of Yamhill, select committee of one, to whom was referred the petition of Mary Culbertson for a divorce, reported

H. B. 70,

A bill to divorce Mary Culbertson.

Read first time,

And ordered printed.

H. B. 57,

A bill to divorce Joseph Lamphear,

Was read a second time, and

On motion,

Was considered engrossed, and

Ordered read a third time to-morrow.

H. B. 11,

To extend the charter of the Illinois Valley Wagon Road Company,

Was read the third time.

The question then being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnek, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Zieber, and Speaker—25.

Nays—None.

So the bill passed.

Mr. Hannah, from committee on engrossed bills,

On leave, reported

H. B.'s 42, 13, 47, and 56,

As properly engrossed.

H. B. 6,
A bill requiring sheriffs to give bonds in certain cases,
Was read the third time.
On motion,
The same was referred back to the judiciary committee.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

H. B. 17,
A bill to re-locate a part of the territorial road from Oregon City to Pleasant Hill,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Ziebe, and Speaker—24.

Nays—None.

So the bill passed.

H. B. 18,
A bill to incorporate the Josephine and Jackson Wagon Road Company,
Was read the third time.
And the question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, T'Vault, Watson, Ziebe and Speaker—28.

Nays—None.

So the bill passed.

H. B. 19,
A bill to incorporate the North Umpqua River Bridge Company,
Was read third time.
On motion,
Referred back to committee on corporations.

H. B. 21,
A bill to regulate the fees of certain officers,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays being called, resulted as follows:

Yeas—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, Holton, Holmes, Jones, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Watson, Zieber and Speaker—21.

Nay—T'Vault.

So the bill passed.

Mr. Chapman, chairman of judiciary committtee,
On leave, reported
H. B. 8,
Back to the House, with the following amendment:

Strike out in lines 11 and 12, of section 1, the following, "Or show cause to the contrary," and add the same to section 3.

The amendment was adopted, and the bill was
Read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Hedges, Holton, Jones, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson and Speaker—18.

Nays—Crooks, Hannah, Smith of Polk, and Zieber—4.

H. B. 28,

A bill to amend Sec. 1, Chapter 2, of Oregon Statutes, in relation to jurisdiction of justices of the peace, was

Read third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, Watson, Zieber, and Speaker—22.

Nays—Dryer, Holmes, and Smith of Polk—3.

So the bill passed.

Mr. Hannah, chairman of committee on engrossed bills, reported H. B. 39,

As properly engrossed.

H B. 23,

A bill to divorce Philester Lee from his wife Eliza Ann Lee, was

Read third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Dryer, Jones, McInnich, Newcomb, Parker, Stevens, Shattuck, Zieber, and Speaker—10.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Holton, Holmes, Lasater, McGee, Slater, Smith of Yamhill, Smith of Polk, T'Vault and Watson,—14.

So the bill was lost.

Mr. Newcomb moved to adjourn.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Bonham, Bowlby, Chapman, Crooks, Dryer, Holton, Hedges, Jones, Lasater, McInnich, McGee, Newcomb, Parker,

Stevens, Slater, Shattuck, T'Vault, Watson, Zieber and Speaker —20.

Nays—Craner, Hannah, Holmes, Smith of Yamhill, and Smith of Polk—5.

So the House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Friday, January 7, 1859.

JAMES M. PYLE,

Chief Clerk House of Representatives.

SATURDAY, JANUARY 8, 1859.

House met pursuant to adjournment.

Absent—Holton, Jennings, McInnich, Nichols, Strong, T'Vault, Tichenor and Watson.

The journal of yesterday was read and approved.

Mr. Hedges

Presented a petition of certain citizens of Clackamas county, for the enactment of a prohibitory liquor law.

On motion,

The same was referred to the select committee, to whom has been referred similar petitions.

Mr. Slater

Presented a petition of Cornelia Taylor for a divorce, and introduced,

H. B. 71,

A bill to divorce Cornelia Taylor.

On motion,

The petition was laid on the table.

The bill was read the first time, and
Ordered printed.

Mr. Holmes in the chair.

Mr. Gates
Presented a petition from certain citizens of Wasco county, praying a repeal of a special act of 1857 and 1858, to restrain swine from running at large in said county.
On motion,
Referred to committee on ways and means.

Mr. Lasater
Presented a petition of W. R. Munkers and others, asking for a charter to build a bridge across Lake Labish, in Marion county.
On motion,
Referred to committee on corporations.

Mr. Gates
Presented a petition of Mary Fogerty, for a divorce.

Mr. Chapman moved
To suspend the rules, and asked leave to introduce a resolution.
Upon which the yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Holton, Hedges, Jones, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Watson, and Speaker—18.

Nays—Bonham, Lasater, McInnich, and Shattuck—4.

So the motion was agreed to.

Mr. Chapman presented the following resolution:
H. R. 13,
Resolved, That the Secretary of the Territory be requested to furnish to the House a statement, showing the amounts paid out by him annually for rent of Legislative Halls, offices, and fitting up of the same; making the statement in different columns, so as not only to show the aggregate, but amounts in detail.
Upon the adoption of which the yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Watson, and Speaker—22.

Nays—None.

So the resolution was adopted.

Mr. Smith, of Yamhill, moved to adjourn until Monday.

Upon which the yeas and nays were called, and resulted as follows:

Yeas—Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holmes, Jones, Smith of Yamhill, and Speaker—10.

Nays—Bonham, Bowlby, Holton, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, Shattuck, and Watson—13.

So the motion was disagreed to.

Mr. Holton

Presented a petition of G. Wilson, for a charter for the Democrat Gulch Mining Water Ditch Company.

And, on leave, introduced

H. B. 72,

For the same purpose.

The petition was laid on the table.

The bill read first time,

And ordered printed.

Mr. Bonham, chairman of standing committee on ways and means, submitted the following report:

Mr. Speaker.—Your committee on ways and means, who were instructed by a resolution of the House, to devise some measure by which the expenses of the Penitentiary might be diminished, ask leave to submit the accompanying bill to the consideration of this Assembly.

B. F. BONHAM,

Chairman Committee.

Accompanying which was

H. B. 73,

A bill to more effectually provide for the labor and safe-keeping of the Penitentiary convicts.

Read first time,

And ordered printed.

Mr. Shattuck, on leave,

Presented a proposition from Joseph Knott, to make the Penitentiary a self-sustaining institution.

On motion,

The same was laid on the table, and

Ordered printed.

Mr. Craner, chairman of the committee on claims,

To whom was referred the claim of Philip Gearhart, praying relief for certain services rendered in viewing out and locating a territorial road, from some point on the Lower Columbia to some point in the Willamette Valley,

Reported adversely to said claim.

Mr. Hannah moved

To adopt the report.

Mr. Parker moved

To amend by laying it on the table.

The amendment was lost, and

The motion was agreed to.

On motion,

The House adjourned to Monday next, at 10 o'clock, A. M.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of Oregon Territory, approved by said House for Saturday, January 8th, 1859.

JAMES M. PYLE,

Chief Clerk House of Representatives.

MONDAY, JANUARY 10, 1859.

House met pursuant to adjournment.

Absent—Bonham, Chapman, Hannah, Hedges, Jennings, Stevens, Strong, T'Vault, Tichenor and Zieber.

The journal of yesterday was read and approved.

Mr. Craner

Presented a proposition from William M. King, comprising an offer to take charge of the Penitentiary.

On motion,

Laid on the table, and

Ordered printed.

Mr. Slater

Introduced the following resolution:

H.R. 14,

Resolved, That the Superintendent of the Penitentiary be and he is hereby required to report to this Assembly as to the amount and value of convict labor for A. D. 1858, in detail as follows, to-wit:

The kinds of labor the penitentiary convicts under his charge were employed at during said year.

The actual amount of labor performed by said convicts when employed—that is to say:

How many cords of wood, if any, were cut?

How many hundred rails, if any, were made?

How much timber hewn, if any?

How many days employed at work on roads, grading, digging cellars, and other excavating?

How many days employed at any and all kinds—mechanical labor—together with any and all other items of work or labor performed by said convicts, of whatever kind or character?

For whom, and on whose premises was the labor performed—the amount and kind?

The cash value of such labor, or mechanical work, in detail and aggregate?

The actual amount of cash received by him, or the keeper of said penitentiary, for said work or labor, and from whom?

The amount due, and outstanding, if any, and from whom?

To what use and benefit the amount received has been expended, aside from the amount credited as per his report.

Mr. Slater moved

The resolution be adopted.

Mr. Bonham moved

To amend, by laying the resolution on the table, and ordering the same to be printed.

The yeas and nays being called resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Smith of Polk, and Speaker—17.

Nays—Bowlby, Dryer, Slater, Smith of Yamhill, Shattuck, and Watson—7.

The amendment was adopted.

Mr. Lasater,

From joint committee of House and Council, to whom was referred H. J. R. 6,

In reference to the common school system, submitted the following majority report.

Mr. Speaker—The joint committee on education, to whom were referred the propositions contained in H. J. R. 6, have had the same under consideration, and make the following report—

1st. That it is inexpedient for this Legislative Assembly to appropriate any more money for common school purposes.

2d. That school directors ought to hold their offices three years, and that their terms of office should be so graduated that one director shall be elected each year.

3d. That no change is necessary in the qualifications, powers, and duties of directors.

4th. That a majority of the school meeting should have power to tax the property of the district for any purpose connected with schools.

5th. That there are some persons in this Territory who are not included in any district; but your committee are of opinion that no further legislation is necessary, except to require the superintendents of the several counties to organize such persons into a school district, on the application of five or more of such persons.

Your committee beg leave to recommend to the favorable consideration of this Legislative Assembly, the immediate repeal of the law requiring one mill tax to be levied by the boards of county commissioners of the several counties for common school purposes.

Your committee are of opinion that it is not very important that any action be now taken on any of the propositions contained in H. J. R. 6, as they regard the object of the resolution to be mainly to obtain the opinion of this Legislature for the guidance of future State Legislatures.

All of which is respectfully submitted.

J. H. LASATER,
On part of the House.
SAMUEL PARKER,
GEO. H. STEWARD,
On part of the Council.

Mr. McInnich,

From same committee, submitted the following minority report:

Mr. Speaker—We, the undersigned, members of a committee to whom was referred certain contemplated changes in the school law, were unable to agree with the majority of the members composing said committee, in consequence of which, we, a minority of said committee, beg leave to report as follows, to-wit:

That we deem a change in the common school law at the present time, inexpedient and unnecessary.

And further, that we believe to annul the Territorial school tax, would be a great injury to the best interests of education, and a detriment to the common school system; therefore, we humbly recommend that there be no change made in the school law at present, and especially that the school tax remain the same as at present.

Respectfully submitted.

E. E. McINNICH,
E. D. SHATTUCK.

Mr. Hannah moved
That both reports be laid on the table.
Mr. Chapman moved
To amend, by ordering both reports printed.
The amendment was adopted.

Mr. Dryer, on leave,
Presented a petition for a prohibitory liquor law, to be submitted to the people.
On his motion,
The same was referred to the usual select committee.

Mr. Stevens
Presented several petitions on the same subject.
On motion,
Referred to the usual select committee, Mr. Parker chairman.

Mr. Hannah, chairman of the select committee,
To whom was referred
H. B. 33,
To incorporate Oregon City,
Reported the same back, with the following amendments:

Article 2, section 1, third line, after the word "collector," and before the word "who," insert "a city attorney, street commissioner, and marshal."

In the same line, between the words "offices" and "until," insert "for one year, or."

In section 2, strike out all to the word "council," in the second line, and insert the words "the city."

In article 3, section 1, second line, strike out the word "April," and insert "May."

Section 4, in first line, strike out the words "by ballot," and insert "viva voce."

In second line, strike out all after the word "council."

Article 4, section 2, in fifth line, after the word "property" and before the word "made," insert "actually within the corporate limits of said city."

In line eleven, after the word "broken," insert "and for the rate thereof."

In line thirteen, strike out the word "wagon."

In line fifteen, after the word "tax" and before the words "bar-rooms," strike out the words "regulate and restrain." Insert the words "and regulate," in the sixteenth line, after the word "alleys" and before the word "and," insert "and fix the rates the same."

In line twenty-six, after the word "the," strike out "same," and insert "cross and side-walk."

Section 4, fourth line, strike out the word "and" after the word "thereof," and before the word "shall" insert "and annually required for such purpose or purposes."

Article 5, section 1, line 9th, after the word "powers" and before "of," insert "within the limits of said city."

Section 2, line 1, after the word "exercise" and before the word "all," insert "within said city."

Section 3, line second, strike [out] all after the word "recorder" to the word "and," in the third line.

On motion,

The amendments were adopted.

On motion of Mr. Hannah,

The bill was ordered engrossed, and

Read a third time to-morrow.

Mr. Craner moved to take up

H. J. R. 14.

Agreed to.

The question being upon the amendment, to adjourn on the 22d instant,

Mr. Shattuck moved the previous question.

The question being, shall the main question be now put?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Crooks, Hedges, Holmes, Lasater, Newcomb, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Watson, and Speaker—12.

Nays—Bonham, Craner, Chapman, Dryer, Hannah, Holton, Jones, McGee, Parker, Stevens, and T'Vault.—11.

So the House sustained the previous question.

The question being on the amendment, to adjourn on the 22d instant,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Hedges, Holmes, Holton, Jones, Lasater, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, T'Vault, and Watson—18.

Nays—Crooks, Dryer, Hannah, McGee, Smith of Polk, and Speaker—6.

So the amendment was adopted.

The question being upon the resolution as amended,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Hedges, Holton, Holmes, Jones, Lasater, Newcomb, Stevens, Slater, Shattuck, Watson, and Speaker—16.

Nays—Dryer, Hannah, McGee, Parker, Smith of Yamhill, Smith of Polk, and T'Vault—7.

So the resolution was adopted.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Smith, of Polk, presented the following resolution:

H. R. 15,

Resolved, That the majority of the committee, to whom was referred the petition for the protection of slave property, be instructed to report to this House at their earliest convenience.

A call of the House was demanded.

Absent—Bonham, Jennings, Lasater, McGee, Strong, T'Vault, Tichenor, and Zieber.

The Sergeant-at-arms was dispatched for absent members.

On motion,

A further call of the House was dispensed with.

Mr. Smith, of Yamhill, moved

To amend, by referring the report now printed back to the judiciary committee.

Mr. Lasater moved the previous question.

The question being, shall the main question be now put?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Hedges, Lasater, McIninch, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Shattuck, and Watson—12.

Nays—Bowlby, Craner, Chapman, Dryer, Holton, Holmes, Jones, McGee, Smith of Polk, T'Vault, and Speaker—11.

So the House seconded the previous question.

The question being on the amendment of Smith of Yamhill,

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Hannah, Jones, Lasater, Newcomb, Smith of Yamhill, T'Vault, and Speaker—8.

Nays—Bonham, Bowlby, Craner, Crooks, Dryer, Hedges, Holton, Holmes, McIninch, McGee, Parker, Stevens, Slater, Smith of Polk, Shattuck, and Watson—16.

So the amendment was disagreed to.

Mr. T'Vault moved

To adjourn, and called for the yeas and nays.

Yeas—Bonham, Holton, Jones, Smith of Yamhill, and T'Vault—6.

Nays—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holmes, Lasater, McIninch, McGee, Parker, Stevens, Slater, Smith of Polk, Shattuck, Watson, and Speaker—18.

So the House refused to adjourn.

The question being on the adoption of

H. R. 15,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Dryer, Holmes, Lasater, McInlich, McGee, Parker, Slater, Smith of Polk, Shattuck, and Watson—12.

Nays—Bonham, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Newcomb, Stevens, Smith of Yamhill, T'Vault, and Speaker —12

So the motion was lost.

Mr. Lasater moved a reconsideration of
H. B. 23,
To divorce Philester Lee.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Dryer, Hannah, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Shattuck, and Speaker —13.

Nays—Bonham, Bowlby, Craner, Hedges, Holton, Holmes, Slater, Smith of Polk, T'Vault, and Watson,—10.

So the motion was agreed to.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of the Territory of Oregon, approved by said House, for Monday, January, 10, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

TUESDAY, JANUARY 11, 1859.

House met pursuant to adjournment.

Absent—Jennings, Nichols, Slater, Smith of Yamhill, Stevens, T'Vault and Tichenor.

The journal of yesterday was read and approved.

Mr. Zieber

Presented a petition for relocation of a Territorial road from Lafayette to Polk county.

On motion,

Referred to committee on roads and highways.

Mr. Chapman

Presented a petition from the county commissioners of Lane county.

On motion,

Referred to the committee on roads and highways.

Mr. Slater

Presented a remonstrance against granting a ferry charter to Mr. Rainwater, in Linn county.

On motion,

The same was referred to the committee on corporations.

Mr. Jones

Presented a petition from Aaron Richardson and others, praying that Long Tom may be declared a public highway.

On motion,

Laid on the table.

Mr. Craner

Presented a petition for the vacating of the Territorial road from Burlington, Linn county, O. T., intersecting the Territorial road running from Corvallis to Eugene City, and locate a Territorial road from Corvallis to Eugene City.

On motion,

Referred to the standing committee on roads and highways.

Mr. Craner

Presented a petition of certain citizens of Linn county, to charter a Flouring mill company.

On motion,

Referred to the judiciary committee.

Mr. McGee

Presented a petition of certain citizens of Douglas and Umpqua counties, asking a change of the Territorial road from Scottsburg, in Umpqua, to Winchester, in Douglas county.

On motion,
Referred to committee on roads and highways.

Mr. Hannah, chairman of committee on engrossed bills, reported H. B.'s 42, 49 and 53, as properly engrossed.

Mr. T'Vault,
On leave, introduced
H. B. 74,
To amend an act to create a lien upon the property of criminals in certain cases.
Read first time, and
And ordered printed.

Mr. Bonham, chairman of committee on ways and means, submitted the following report:

Mr. Speaker—Your committee on ways and means, to whom was referred a petition of divers citizens of Wasco county, asking for the repeal of an act passed January 14th, 1858, concerning swine running at large in the county of Wasco, have had the same under consideration, and ask leave to report the following bill, and recommend its passage.

B. F. BONHAM,
J. T. CROOKS,
D. S. HOLTON,
Committee.

Accompanying which, was
H. B 75,
A bill to repeal an act concerning swine running at large in the county of Wasco.
Read first time,
And ordered printed.

Mr. Chapman, chairman of judiciary committee, reported
H. B. 76,
A bill to divorce Elizabeth Jane Williams.
Read first time, and
Ordered printed.

Mr. Chapman, from committee on corporations, reported
H. B. 77,

A bill to incorporate the McKenzie Fork and Cascade Mountain Wagon Road Company.

Was read the first time, and

Ordered printed.

Mr. T'Vault, from select committee to whom was referred certain petitions, reported

H. B. 78,

A bill to be entitled An act to incorporate the Sterling and Jacksonville Water Ditch and Irrigating Company.

Read first time, and

Ordered printed.

Mr. Zieber, from select committee to whom had been referred a petition for a relocation of the Territorial road from Salem to Dayton, reported

H. B. 79,

A bill to be entitled An act to relocate a part of the Territorial road leading from Salem via Matheney's ferry to Dayton.

Read first time, and

Ordered printed.

Mr. T'Vault,

On leave, introduced

H. B. 80,

A bill to be entitled, An act to incorporate the Yoncalla Institute.

Read first time, and

Ordered printed.

Mr. T'Vault moved

The rules be suspended, and

The bill be read a second time by its title, and ordered engrossed.

The motion was disagreed to.

Mr. Newcomb,

On leave, introduced

H. B. 82,

A bill to be entitled, An act to establish and regulate Quartz Mining Claims.

Read first time, and

Ordered printed.

H. B. 58,

A bill to be entitled An act for the relief of certain creditors of Oregon Territory,

Was read a second time.

Mr. Bonham moved it be

Referred to committee on claims.

Mr. Hannah moved it be

Referred to a committee of the whole House.

The amendment was agreed to.

H. B. 60,

A bill to incorporate Tualatin River Navigation and Bridge Company,

Was read a second time, and

On motion of Mr. Bowlby,

The same was laid on the table.

H. B 61,

A bill to incorporate Western Star Lodge No. 18, F and A. M.,

Was read a second time, and

On motion of Mr. Holton,

Referred to the committee on counties, with instructions to amend by striking out "Kirbeyville," and inserting "Napoleon" wherever it occurs.

H. B. 62,

A bill for the relief of School District No. 4, in Linn county,

Was read a second time,

Ordered engrossed, and

Read a third time to-morrow.

H. B 63,

A bill to be entitled "An act to repeal certain parts of an act, and to revive certain parts of another act relating to the assessment and collection of taxes."

Was read a second time.

On motion of Mr. Lasater,

The same was referred to a committee of the whole House.

H. B. 64,

A bill to [illegible] Justice Hunt,

Was read a second time, and
On motion of Mr. Holton,
Was considered engrossed, and
Ordered read a third time to-morrow.

H. B. 65,
A bill to protect Slave property in the Territory,
Was read a second time.
On motion of Mr. Chapman,
The same was referred to a committee of the whole House.

Mr. Chapman moved
To suspend the rules, and that the message from the Council be read and considered.
The motion was agreed to.

A message from the Council, by N. Huber, Clerk:

Mr. Speaker—I am instructed by the President to inform you that the Council has passed
H. B. 6,
To change the name of Kirbyville.
And herewith return the same for enrollment.
Also, the Council has concurred in the adoption of
H. J. R. 10,
In reference to appointing a committee to report a bill to charter a Pacific Railroad Company.
And the President has appointed Messrs. Wait, Steward, and Cornelius as such committee on the part of the Council, provided for in the resolution.

N. HUBER, Clerk.

Message from the Council, No. 2:

Mr. Speaker:—I am directed by the President to inform you that the Council have amended the amendment made by the House to
C. J. R. 3,
Amend the amendment, by inserting "Wednesday, 22d instant," in place of "Friday, the 24th instant."
And request the concurrence of the House to the same.

N. HUBER, Clerk.

On motion,
C. J. R. 3,
Was laid on the table.

Message from the Council, No. 3:

MR. SPEAKER:—I am directed by the President to inform you that the Council has passed
C. B. 9,
A bill to declare navigable the lower portion of Long Tom river.
And ask the concurrence of the House. Also,
H. B 11,
A bill to extend the charter of the Illinois Valley Wagon Road Company.
Which is transmitted to the House for enrollment.

N. HUBER, Clerk.

C. B. 9,
Was read first time, and
On motion,
Referred to the judiciary committee.

Message from the Council, No. 4:

MR. SPEAKER: I am directed by the President to inform you that the Council has passed
H. B. 15,
Providing for a redemption fund for Jackson county.
And herewith return the bill to the House for enrollment.
Also, that the Council has passed
H. B. 38,
To incorporate the Williams Creek Water Ditch Company.
With the accompanying amendments; and the same are herewith transmitted to the House for concurrence.

N. HUBER, Clerk.

On motion,
The amendment of the Council to
H. B. 38,
Was concurred in.

Message from the Council, No. 5:

MR. SPEAKER:—I am directed by the President to inform you that the Council has passed the accompanying Council bills, to wit:

C B. 10,

A bill for the relief of Melissa J. Thompson.

C. B 11,

A bill to locate a territorial road from Monroe, Benton county, to Smithfield, Lane county.

C. B. 12,

A bill to re-locate a part of the territorial road from Vandines to Eugene city.

C. B. 13,

An act for the relief of school district No. 36, of Washington county. Also,

C. B. 14,

A bill to legalize the act of the board of county commissioners of Jackson county in laying out a county road from Jacksonville to John Patterson's, in said county.

And request the concurrence of the House to the same.

Also, the Council has adopted

H. J. R. 13,

Asking for two new land offices.

The same is returned to the House for enrollment.

N. HUBER, Clerk.

C. B. 10,

Was read the first time, and

Passed to second reading.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

A call of the House was demanded.

Absent—Bonham, Craner, Chapman, Dryer, Hannah, Hedges, Holton, Holmes, Jennings, Nichols, Smith of Yamhill, Smith of Polk, Strong, T'Vault, Tichenor, Watson, and Zieber.

On motion,
A farther call was dispensed with.

C. B. 11,
Was read first time, and
Passed to a second reading.

C. B. 12,
Was read first time, and
Passed to a second reading.

C. B. 13,
Was read first time,
Passed to a second reading.

C. B. 14,
Was read first time, and
Passed to a second reading.

Message from the Council, No. 6:

Mr. Speaker—I am instructed by the President to inform you that the Council has passed the accompanying bill:

C. B. 16,
An act for the relief of Granville C. Rider, of Washington county.
And request the concurrence of the House.

N. HUBER, Clerk.

C. B. 16,
Was read first time, and
Passed to a second reading.

Message from the Council, No. 7:

Mr. Speaker:—I am directed by the President to inform you that the Council has passed

C. B. 10,
An act to divorce Veronica Wilson from H. W. Wilson.
And request the concurrence of the House.

N. HUBER, Clerk.

C. B. 19,
Was read first time, and
Passed to a second reading.

Message from the Council, No. 8:

Mr. Speaker:—I am instructed by the President to inform you that the Council has concurred in the adoption of the House amendment to
C. B. 8,
Authorizing Henry D. Green to establish a gas manufactory.
Also, that the Council has passed
C. B. 15,
To vacate a part of the territorial road.
And the same is herewith transmitted to the House for concurrence.
Also, that the President has signed
H. B.'s 1, 2, 3, and 5.
H. J. M.'s 1 and 2, and H. J. R.'s 6, and 9.
And the same is herewith returned to the House.

N. HUBER, Clerk.

C. B. 15,
Was read first time, and
Passed to a second reading.

Message from Council, No. 9:

Mr. Speaker:—I am directed by the President to inform you that the Council has passed the accompanying bills, to wit:
C. B. 17,
An act to grant Sarah Ann Smith a divorce.
C. B. 20,
A bill to authorize Joseph Young to construct a wagon road across the Cascade Mountains, and to collect tolls thereon. Also,
C. B. 21,
An act supplementary to an act for confirming certain lots in Oregon City.
And request the concurrence of the House.
Also the Council has passed

H. B. 4,

An act to incorporate the Cascade Mountain Wagon Road Company, with an amendment.

The same is herewith transmitted for concurrence.

N. HUBER, *Clerk.*

C. B. 17,

Was read the first time, and

Passed to second reading.

C. B. 20,

Was read a first time, and

Passed to second reading.

C. B. 21,

Was read a first time, and

Passed to second reading.

On motion,

The amendment of the Council to

H. B. 4,

Incorporating Cascade Mountain Wagon road Company,

Was concurred in.

H. B. 66,

Was read a second time, and

On motion of Mr. McIninch,

The same was referred to a select committee of three.

The Chair appointed

Messrs. McIninch, Slater and Jones.

H. B. 67,

Was read a second time,

On motion,

Was considered engrossed, and

Ordered to be read a third time to-morrow.

H. B. 68,

Was read a second time,

On motion,

Considered engrossed, and

Ordered read a third time to-morrow.

H. B. 69,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

H. B. 70,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B 24,
A bill to divorce Lucy Smith,
Was read the third time.
And the question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Holton, Jones, McIninch, Newcomb, Parker, Stevens, Shattuck, Zieber and Speaker—10.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, Holmes, Lasater, McGee, Slater, Smith of Polk, T'Vault and Watson—13.

So the bill was lost.

Mr. T'Vault moved
To reconsider the vote on
H. B. 24,
The motion was agreed to.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Barker, Stevens, Shattuck, T'Vault, Zieber and Speaker—14.

Nays—Bowlby, Crooks, Hedges, Holmes, Slater, Smith of Polk, and Watson—7.

So the bill passed.
H. B. 25,
Was read a third time.

A call of the House was demanded.

Absent— Craner, Dryer, Jennings, Nichols, Smith of Yamhill, Strong and Tichenor.

Mr. Lasater moved

A further call of the House be dispensed with.

The motion was disagreed to.

Mr. Hannah moved

A further call be dispensed with.

The motion was lost.

Mr. Craner moved

A further call of the House be dispensed with.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Bowlby, Craner, Crooks, Hannah, Hedges, Holmes, Lasater, McGee, Slater, Smith of Polk and Speaker—11.

Nays—Bonham, Chapman, Holton, Jones, McIninch, Newcomb, Parker, Stevens, Shattuck, T'Vault and Zieber—11.

So the motion was lost.

Mr. McGee moved

The House adjourn until 7 o'clock, P. M.

Upon which the yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Hedges, Lasater, McGee, Slater and Zieber—7.

Nays—Craner, Chapman, Crooks, Hannah, Holton, Holmes, Jones, McIninch, Newcomb, Parker, Stevens, Smith of Polk, Shattuck, T'Vault and Speaker—16.

So the motion was lost.

Mr. Chapman moved

A further call of the House be dispensed with.

The motion was agreed to.

H. B. 2[illegible]

Still pending.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Chapman, Dryer, Holton, Jones, Lasater, McInch, Newcomb, Parker, Stevens, Slater, Shattuck, Zieber and Speaker—14.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Holmes, McGee, Smith of Polk, T'Vault and Watson—10.

So the bill passed.

Mr. Crooks moved

H. B. 23,

A bill to divorce Philester Lee,

Be taken up.

The motion was agreed to.

The question then being, shall the bill pass?

The yeas and nays were called and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInch, Newcomb, Parker, Stevens, Slater, Shattuck, Watson, Zieber and Speaker—15.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, McGee and T'Vault—8.

So the bill passed.

The question being,

Shall the title of the bill stand as the title of the act?

Mr. Chapman moved

To change the title, so as to read,

An act to divorce Eliza Ann Lee from her husband, Philester Lee.

The motion was agreed to.

On motion,

The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of Oregon Territory, approved by said House for Tuesday, January 11th, 1853.

JAMES M. PYLE,

Chief Clerk House of Representatives.

WEDNESDAY, JANUARY 12, 1859.

House met pursuant to adjournment.

Absent—Bonham, Chapman, Hedges, Jennings, Nichols, Smith of Yamhill, Strong, T'Vault and Tichenor.

The journal of yesterday was read and approved.

Mr. Zieber

Presented a petition from Joseph Bowers and 241 others, in reference to a prohibitory liquor law.

Mr. McInnch moved

To lay the petition on the table, and order printed.

Mr. Chapman moved

To amend, by referring to the select committee on the subject of liquor laws.

Mr. Chapman moved

To amend, by instructing said committee to report to the House a bill to restrain the importation and sale of poisonous and adulterated liquors.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Hannah, Hedges, Holton, Jones, Newcomb, Parker, Watson and Zieber—10.

Nays—Bowlby, Craner, Crooks, Dryer, Holmes, Lasater, McInnch, McGee, Stevens, Slater, Smith of Polk, Shattuck, T'Vault and Speaker—14.

So the amendment to the amendment was disagreed to.

The question being upon the amendment,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, McInnch, Newcomb, Parker, Stevens, Slater, Smith of Polk, Watson, Zieber and Speaker—18.

Nays—Bowlby, Chapman, Lasater, McGee, Shattuck and T'Vault—6.

So the amendment was agreed to.

Mr. Hedges, chairman of committee on counties, to whom was referred

H B 61,

Reported the same back to the House, with the following amendment:

Strike out "Kirbeyville," and insert the word "Napoleon."

On motion,

The amendment was adopted.

The bill was ordered engrossed, and

Read a third time to-morrow.

Mr. Holmes, from committee on roads and highways, reported

H. B. 83,

A bill to locate a Territorial road from Eola to Tillamook.

The bill was read the first time, and

Ordered printed.

Mr. Chapman, chairman of judiciary committee, reported

C. B. 9,

Back to the House, with a recommendation that it pass.

Read a second time, and

Passed to its third reading.

Mr. Newcomb, chairman of committee on corporations, reported

H. B. 84,

A bill to amend an act entitled An act to repeal the exclusive ferry privilege conferred on Jas. B. Stevens.

Read first time, and

Ordered printed.

Mr. Newcomb, chairman of committee on corporations,

To whom was referred a petition for a charter for a railroad at the Cascades, reported

H. B. 85,

A bill to be entitled An act to incorporate the Cascade Falls Railroad Company.

On motion,

Read a first time, and

Ordered printed.

Mr. Stevens, chairman of select committee to whom was referred a petition of George Kellogg, reported

H. B. 86,

A bill to divorce George Kellogg.

On motion,

Read first time, and

And ordered printed.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Shattuck, on leave, introduced

H. B. 87,

A bill to be entitled an act to incorporate the congregation Beth-Israel.

Read first time, and

Ordered printed.

Mr. Shattuck also introduced

H. B. 88,

A bill entitled an act to incorporate the Cascade Road and Bridge Company.

Read first time, and

Ordered printed.

Mr. Craner, from judiciary committee, reported

H. B. 89,

A bill to authorize the legal guardians of Henry H. Spalding and George W. Kirk to sell, convey, and secure the right of way for a mill-race over the lands of the said Henry H. Spalding, and George W. Kirk, to the following co-partners: Hugh L. Brown, James Blakely, Jas. McHargue, William McHargue, and Robert A. Johns.

Read first time, and

Ordered printed.

Mr. Newcomb, chairman of committee on corporations,

To whom had been referred a petition, accompanied by a bill to incorporate the Portland Turnpike Company; and also a remonstrance against the same,

Reported said papers back to the House, with a recommendation that said bill do not pass.

On motion of Mr. Dryer,

The report was received, and

The bill was laid on the table.

Mr. Stevens

Presented a petition of numerous citizens of Oregon, asking the enactment of a law allowing half-blood Indians to vote.

On motion,

The same was referred to a select committee of five.

The Speaker appointed

Messrs. Stevens, Holmes, Hedges, Crooks, and Shattuck such committee.

Mr. Slater

Presented a remonstrance against granting a ferry charter to Martin Rainwater, at Albany.

Referred to the committee on corporations.

Mr. Craner, on leave,

Withdrew the petition for said charter.

Mr. Slater introduced

H. B. 90,

A bill to be entitled an act to amend an act entitled an act relating to alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages.

Read first time, and

Ordered printed.

The following communication was read from B. F. Harding, Esq., Secretary of Oregon Territory:

SECRETARY'S OFFICE,
Salem, January 9, 1859.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF OREGON—*Sir*: Herewith I have the honor to transmit the statement called for by

H. R. 13,

Adopted January 8, 1859, which was received by me on the 10th instant.

Respectfully, your obedient servant,

B. F. HARDING,
Secretary of Oregon.

SUPPLEMENT TO SAME.

SECRETARY'S OFFICE,
Salem, January 11, 1859.

Statement of amount annually paid by the Secretary of Oregon for rent of Legislative Halls and Offices, and fitting up the same:

Rent of Legislative Halls,	$600 00
Rent of Secretary's office,	150 00
Rent of Library Room,	96 00
Sum total of rents,	$846 00
The cost of fitting up rooms with furniture, &c., for the Assembly, in the winter of 1855–'56, after the burning of the Capitol, was	$1,283 67
The cost of fitting up rooms, repairing and replacing furniture occupied and used by the Assembly for the session of 1856–'7, was	268 22
Session of 1857–'8,	338 00
Session of 1858–'9, not yet settled, but supposed to be near	350 00

On motion,

Laid on the table, and

Ordered printed.

Mr. Crider, from the judiciary committee, submitted the follow-

ing minority report on the subject of protection to slave property in this Territory:

The undersigned, a member of the judiciary committee, begs leave to submit the following report upon petitions referred to said committee, asking for the passage of a law to protect slave property in the Territory of Oregon:

The undersigned is of the opinion, that whereas, the Territories of the United States are the property of the General Government, therefore the citizens of all sections of the Union have equal rights therein; that the man of the South has the same right to migrate into any of the Territories of the United States with his slave property, that the man of the North has to go into said Territories with any other species of property, and that they are both equally protected, under the Constitution of the United States, in person and property. And it is believed by the undersigned, that neither Congress, nor the Territories, under the Dred Scott decision, have the power to legislate upon the question of slavery within the Territories. And if Congress cannot, under the Constitution of the United States, legislate upon the question of slavery in the Territories, according to the decision of the Supreme Court, known as the Dred Scott decision, and which decision is now recognized by all portions of the Union as a fair and just exposition of the Constitution of the United States, then it is certainly clear that it could delegate no such power to the Territorial Government thereof to legislate upon the question of slavery. Congress could confer no power upon a Territorial Legislature, a creature of its own creation, that it (Congress) did not itself possess, and as Territorial Governments derive all their power directly from Congress, it certainly would be strange logic to conclude that the Territorial Legislature could exercise a power, under the Constitution, that Congress itself cannot. And if the Constitution of the United States recognizes property in slaves, and it is believed it does, then slavery is protected in the Territories, equally with other species of property, under the Constitution, and needs no special legislation.

In a word, if the right of the master to his slave in a Territory, under the Constitution, is good, then no act of the Territorial Legislature could, in the opinion of the undersigned, confer any more or

greater powers or rights upon the owner, or master, or deprive him of any rights or property that he may have in his slave, as per force of the Constitution of the United States.

It is the opinion of the undersigned that, under the Dred Scott decision, a Territorial Legislature has no power to legislate upon the question of slavery in any manner whatsoever, and that the people of the Territories have no legislative power or control over the question of slavery within the Territories, until such time as the Territories shall have a sufficient number of inhabitants to entitle them to admission into the Union as a sovereign State, and then the people thereof shall determine for themselves whether they will bring such new State into the Union as a slave or free State.

Respectfully submitted to the House of Representatives.

N. H. CRANER.

On motion,
Laid on the table, and
Ordered printed.

Mr. Shattuck, from judiciary committee, submitted the following minority report on the same subject:

Mr. Speaker—The undersigned, one of the judiciary committee, to whom was referred the petitions of sundry persons, asking for the passage of a law to protect slave property in the Territory of Oregon, has had the matter under consideration, and being unable to agree in all respects with the other members of the committee, and especially dissenting from the opinion and recommendations of the report made by a part of the committee, under date of January 6th, 1859, respectfully asks leave of the House to make a separate report, as follows:

The whole subject of these petitions may be embraced under two general enquiries:

1st. Has the Legislative Assembly the power to legislate upon this subject?

2d. Is it expedient at this time?

The first enquiry is too grave a subject for the undersigned to express any positive opinion upon, and too important to be hastily passed over. It involves an opinion upon the validity of the acts of

Congress, and upon the correctness of the decisions of the highest tribunal in the land.

If the organic act of this Territory in its prohibition of slavery and involuntary servitude, is valid, it is plain that legislation upon this subject can be proper, only when it is directed to the exclusion of slave property, and the utter dissolution of the relations of master and slave within our limits. If that organic act is not valid, the subject stands upon a different footing.

It is assumed that that act in regard to the anti-slavery clause, and all other like acts and provisions of Congress, are declared void by the "Dred Scott" decision; a difference of opinion, however, exists among the ablest jurists, both as to what that case did decide, and also as to the propriety and legality of such a decision as that assumed to have been made. The undersigned does not attempt to express any opinion upon so grave a subject.

He assumes that the supreme court, no matter whether rightly or wrongly, has decided that Congress has no power, nor can it give power to a Territorial Legislature to prohibit slaveholders from taking their slaves into the Territories; and that neither Congress, nor a Territorial Legislature (by virtue of any authority it derives from an organic act) can dissolve the relation of master and slave.

A judicial decision is authoritative, and though it may be erroneous, it is to be acquiesced in and obeyed until it be reversed, or overruled.

The undersigned, while assuming the decisions of the supreme court to be what is stated above, does not admit that by the Constitution any vitality or active operation is given to slavery in the Territories, nor that any obligation is imposed by the Constitution upon a Territorial Legislature, to aid a slaveholder in enforcing the obligations incident to the relation of master and slave, or to protect the master in the use and enjoyment of his slave property. The most that it does, is by implication to confer the *power* to afford by proper police regulations such aid and protection.

A Territory, upon this view of the subject, until some positive legislation has been had, is placed in the same category with those States and nations which by their laws do neither recognise slavery, nor attempt to dissolve the relation. No laws whatever exist operating upon the relation so as to put an end to it—yet the master has

no power to exercise any control over the slave. But under the Constitution, as construed in the "Dred Scott" case, the Legislative Assembly, by virtue of an organic act, may adopt positive regulations to protect the master in the exercise of authority over the slave, and thus protect slave property. Here then, the undersigned, acquiescing in the "Dred Scott" decision, finds a power in this Territorial Legislature to grant protection to slave property; but the undersigned dissents from the opinion expressed in the report made January 6th, in this:

That report seems to assume that the Constitution *guarantees* protection to slave property in the Territories, and makes it *obligatory* upon the Territorial Legislature to act for the benefit of masters.—The undersigned believes that the Constitution makes no such guarantee, and imposes no such obligation; but that the Territorial community are perfectly free, so far as they are affected by the Constitution or the organic act, to make laws for the protection of slave property, or to refuse to do so.

But the undersigned further suggests that there is another source of power, deeper and more extensive than the Constitution and the organic act.

It cannot be denied that the government of the United States is sovereign within the Territories, in the exercise of every power granted by the Constitution, and that the laws of the United States operate as a check upon and a guide for all Territorial legislation.—In other words, the Territorial Legislature can make no law *in conflict* with the laws of the United States, and any such law is void. But in subordination to the laws of the United States, the Territorial Legislature may act according to its discretion upon any rightful subject of legislation.

The power to do this is not derived from the Constitution or the organic act, but is inherent in the civil community, whose creature the Legislature is. When a Territorial government is once organized, the Territorial community begins a new existence, becomes a civil organism, has a life of its own and a living principle, by virtue of which it grows and develops, with no limit to the exercise of its intrinsic powers but the laws of the United States.

From the organized community—from the people themselves—as from an original and independent source, the Legislative body of a

Territory derives an unlimited power to make any laws not in conflict with the laws of the United States. This power is not in conflict with that granted or exercised under the Constitution, but is concurrent and more extensive. From this source the undersigned is of the opinion that this Legislature has power not only to legislate for the protection of slave property, but also to make laws prohibiting slavery within the Territory.

The next inquiry is, whether it is expedient at this time to act in any manner upon the subject.

The undersigned is of opinion that it is not expedient, and will be unwise to pass any laws either in favor of or against the object of these petitions.

The inhabitants of this Territory came from all parts of the Union, and consequently differ in their views upon slavery. Some are as bitterly opposed to any legislation in favor of slavery here, as these petitioners could be to legislation against slavery. But all these citizens must have come to the country with a common understanding, either right or wrong, that slavery did not, and probably would not or could not exist here. The belief was well nigh universal, until quite recently, that the ordinance of 1787, against slavery, applied here in its full force, and, unless it were in a very few excepted cases, pro-slavery men themselves came here without a claim or even a hope that they could hold their slaves, and free State men, probably without exception, came with the full belief that this was and forever would be a free State.

The ordinance of 1787 stands upon the statute book, and no power or law has attempted to add to or take from its provisions, or in anywise meddle with this subject, save only our proposed State Constitution. The same laws in regard to slavery exist now that existed when these petitioners came to the country, and if they were ever valid are valid now, and if void since the "Dred Scott" decision, were void before though not declared so.

The undersigned is therefore of opinion that both free State men and pro-slavery men should be left to the operation of those laws which were supposed to be in force when they came to the country. It can be no just cause of complaint to either party, if their Legislature shall let the subject alone, while action on either side might be grounds for great injustice and dissatisfaction to the other. If

the Constitution and laws of the United States, of themselves, afford these petitioners any protection or relief, let them have all they can get, but if that instrument and those laws afford them no protection or relief, or only that which is inadequate and ineffectual, let them be content—they have all the rights they had when they came here, and all they could reasonably hope to have.

Furthermore, the slavery question should be regarded as settled here, by a most emphatic expression of public sentiment, in the vote upon the State Constitution; and no legislation on this subject can be regarded as consonant with public sentiment, which shall not be positively against the prayer of these petitioners; and none certainly can be wise or expedient which flies directly in the face of public opinion.

The undersigned believes, therefore, that the passage of the bill accompanying the report of January 6th, or any similar act, would be regarded by a majority of the people of this Territory as an outrage to public sentiment, and would arouse, in all their fury, the elements of strife and discord, which have proved the curse of other Territories, and from which we cannot claim to be exempt.

It will distract and confuse the powers of our State organization, and prove a lasting source of vexation and trouble. It seems to the undersigned, that the direct effect will be to raise the single issue of Free State or Slavery, and by making the settlement of State policy, upon this important matter, a preliminary business, will throw back and greatly delay all the other great material interests of the State.

For these, among other reasons, the undersigned, with all due deference to the views of the other members of the committee, begs leave to dissent from the opinion and action of that portion of the committee whose report is before the House, under date of January 6th, and respectfully recommends that no legislative action be had at this time upon the subject matter of these petitions.

Respectfully submitted,

E. D. SHATTUCK.

On motion,
Laid on the table, and
Ordered printed.

Mr. Newcomb, chairman of committee on corporations,

To whom had been referred
H. B. 10,
Submitted the following report:

MR. SPEAKER:—The undersigned committee on corporations, to whom was referred H. B. No. 10, to amend the act incorporating Astoria, have had the same under consideration, and in consequence of a remonstrance from the citizens of Astoria, and in pursuance of the duty devolving upon said committee, would respectfully report the following amendments to the said bill, and recommend their adoption, to wit: Strike out all of section 1, after the enacting clause, and read: "That the act of the Legislative Assembly of the Territory of Oregon, passed the Council January 23, 1858, and passed the House January 28, 1858, entitled an act to amend an act passed January 18, 1856, to incorporate the town of Astoria, be, and is hereby repealed." That section 2 be stricken out; and that section 3 take the place of section 2.

D. NEWCOMB,
Chairman.
JOHN H. STEVENS,
W. W. CHAPMAN.

Accompanying which was
H. B. 10.
The amendment was adopted.
On motion,
H. B. 10,
Was ordered to be engrossed, and
Read a third time to-morrow.

Mr. Hannah, from committee on engrossed bills, reported as properly engrossed H. B.'s 33, 37, 62, and 70.

Mr. Bonham introduced
H. B. 91,
A bill for the relief of N. H. Lane.
Read first time, and
Ordered printed.

Also, H. B. 92,
A bill for the relief of George Cole.

Read first time, and
And ordered printed.

On motion of Mr. Shattuck,
The petition of Roberts & Shartle was referred to a select committee of five.
The Speaker appointed
Messrs. Shattuck, T'Vault, Chapman, Hedges, and Parker such committee.

COMMITTEE OF THE WHOLE.

On motion of Mr. Hedges,
The House resolved itself into a committee of the whole,
For consideration of such business as has been referred thereto.
Mr. Stevens in the chair.
After some time spent therein,
The committe arose.

HOUSE OF REPRESENTATIVES.

Mr. Gates resumed the chair, and
Mr. Stevens, the chairman, reported that the committee had had
H B 27,
Under consideration, made some progress, arose, and asked leave to sit again.
On motion,
The report was adopted, and
The committee had leave to sit again.

Mr. Slater offered the following resolution:
H. R. 16,
Resolved, That from and after this date, this House shall convene at the hour of 9 o'clock, A. M., of each day, instead of the hour of 10 o'clock, A. M., until further ordered.
On motion, adopted.

Mr. McInnich moved to adjourn.
Mr. Dryer moved
To amend, by adjourning till 7 o'clock this evening.
The amendment was lost, and
The House adjourned.

I certify that the foregoing is a true and correct copy of th journal of the House of Representatives of Oregon Territory, for Wednesday, January 12, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

THURSDAY, JANUARY 13, 1859.

House met pursuant to adjournment.

Absent—Dryer, Holton, Holmes, Jennings, Newcomb, Nichols, Stevens, Slater, Smith of Yamhill, Smith of Polk, Shattuck, Strong, T'Vault, Tichenor, Watson, and Zieber.

A call of the House was demanded.

Absent—Holton, Holmes, Jennings, Nichols, Slater, Smith of Yamhill, Smith of Polk, Strong, T'Vault, Tichenor, Watson, and Zieber.

On motion,
A further call was dispensed with.

The journal of yesterday was read and approved.

Mr. Slater
Presented a petition of Philip O'Riley, for a divorce.
And, on his motion,
The same was laid on the table.

Mr. Gates
Presented a petition of citizens of the Dalles, in Wasco county, for an extension of the limits of said city.

On motion,
The same was referred to the committee on corporations.

Mr. Stevens, from select committee, to whom was referred a petition to extend the right of suffrage to half-blood Indians, and to enable them to be witnesses in certain cases, reported
H. B. 93,
A bill to extend the right of suffrage to half-breeds.
Read first time, and
Ordered printed.

Also, H. B. 94,
A bill to remove the incompetency of half-breeds in courts of justice.
Read first time, and
Ordered printed.

Mr. Slater moved
To suspend the rules, and take
H. R. 14,
From the table.
Mr. Hannah moved the previous question.
The question being, shall the main question be now put?
The yeas and nays being called, resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McGee, Parker, Slater, Smith of Polk, Shattuck, T'Vault, Watson, Zieber, and Speaker—20.

Nays—Holmes, and McIninch—2.

So the House seconded the previous question.

The question being upon Mr. Slater's motion,
The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Dryer, McGee, Parker, Shattuck, and Watson—6.

Nays—Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, Smith of Polk, T'Vault, Zieber, and Speaker—15.

So the motion was disagreed to.

Mr. Hedges asked to be excused from serving on the select committee, to whom was referred the petition of Roberts & Shartle.

On motion,

Mr. Hedges was excused.

The Speaker

Appointed Mr. Holmes as one of said committee, in place of Mr. Hedges.

Mr. Parker introduced

H. B 95,

A bill for the relief of Samuel Tollman.

Read first time, and

Ordered printed.

COMMITTEE OF THE WHOLE.

On motion of Mr. Lasater,

The House resolved itself into committee of the whole,

Mr. Lasater in the chair.

After some time spent therein,

The committee arose.

HOUSE OF REPRESENTATIVES.

Mr. Gates resumed the chair, and

Mr. Lasater, chairman of the committee, reported that the committee had had

C. B. 2,

An act to change the practice and fix the times for holding of courts, some time under consideration, had adopted the first section, could make no further progress, and reported the bill back to the House, and asked to be relieved.

The report was adopted.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. McIninch, from select committee, to whom was referred
H. B. 66,
For relief of school district No. 2, in Linn county, reported
H. B. 66,
Back to the House, without amendment, and recommended its passage.
H. B. 66,
Read a second time,
Ordered engrossed, and to be
Read a third time to-morrow.

Mr. McIninch
Presented a petition for the relief of school district No. 2, in Linn county, and
On his motion,
The same was laid on the table.

C. B. 2,
Was read a second time.
On motion of Mr. Hannah,
Ordered to be engrossed, and
Read a third time to-morrow.

H. B. 71,
Was read a second time,
Ordered to be engrossed, and
Read a third time to-morrow.

H. B. 72,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 73,
Was read a second time.

On motion,
Referred to a committee of the whole House.

H. B. 74,
Was read a second time, and
On motion,
Referred to the judiciary committee.

Mr. Hannah, chairman of committee on engrossed bills, reported
H. B.'s 10, 20, and 61,
As properly engrossed.

H. B. 75,
Was read a second time.
On motion,
The same was considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 76,
Was read a second time,
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

H. B. 77,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

H. B. 78,
Was read a second time, and
On motion,
Referred to the standing committee on corporations.

H. B. 79,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

H. B. 80,
Was read a second time.

On motion,
Referred to the committee on corporations.

H. B. 82,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 83,
Was read a second time,
Ordered engrossed, and to be
Read a third time to-morrow.

H. B. 84,
Was read a second time.
Mr. Lasater moved
To refer the same to a committee of the Whole House.
Mr. Shattuck moved
To amend, by referring to the committee on the judiciary.
The amendment was agreed to.

Mr. Chapman, from the committee on military affairs, on leave, reported
H. B. 96,
A bill to amend an act to organize the militia.
Read first time, and
Ordered printed.

H. B. 86,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 87,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 88,
Was read a second time.
On motion,
Referred to committee on corporations.

H. B. 90,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

C. B. 10,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

C. B. 11,
Was read a second time,
Ordered engrossed, and
Read a third time to-morrow.

C. B. 12,
Was read a second time.
On motion,
Considered engrossed, and
Read a third time to-morrow.

C. B. 13,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

C. B. 14,
Was read a second time.
On motion,
Considered engrossed, and
Read a third time to-morrow.

C. B. 15,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

C. B. 16,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

C. B. 17,
Was read a second time, and
On motion of Mr. T'Vault,
Referred to a select committee of three.
The Speaker appointed
Messrs. T'Vault, Shattuck, and Craner such committee.

C. B. 19,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

C. B. 20,
Was read a second time.
Mr. Stevens moved
To refer to committee of the whole House.
Mr. Hannah moved
To amend, by ordering engrossed, and
Read a third time to-morrow.
Mr. Craner moved
To amend the amendment by
Referring to a select committee of three.
The amendment to the amendment was disagreed to.
Mr. Parker moved
To amend, by referring to the judiciary committee.
Which motion was agreed to.

Mr. Newcomb moved to adjourn.
Mr. Hannah moved
To amend, by adjourning to 7 o'clock this evening.
The amendment was disagreed to.
The question being on the adjournment,
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McInnich, McGee, Parker, Stevens, Shattuck, Watson, Zieber, and Speaker—18.

Nays—Newcomb, Slater, Smith of Polk, and T'Vault—4.

So the House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of Oregon Territory, approved by said House for Thursday, January 13, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

FRIDAY, JANUARY 14, 1859.

House met pursuant to adjournment.

Absent—Chapman, Holmes, Jennings, Lasater, Nichols, Newcomb, Stevens, Smith of Yamhill, Strong, T'Vault, Tichenor and Watson.

The journal of yesterday was read and approved.

On motion of Mr. Smith, of Polk,
Leave of absence was granted to Mr. Holmes.

Message from the Council:

MR. SPEAKER:—I am directed by the President to transmit to you the enrolled bill of the Council,
C. B. 8,
And the joint resolution of the Council,
C. J. R. 4,
Herein enclosed, requesting your signature thereto.

N. HUBER, Clerk.

The Speaker announced that he had signed the following bills:
C. B. 8, and C. J. R. 4.

Mr. Holton
Presented the following memorial,
H. J. M. 3,

A Memorial relating to Spoliation Bills that have grown out of the Destruction of Property by the hostile tribes of Indians in the wars of 1855–'56, *in the Territory of Oregon:*

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED—Your memorialists, the Legislative Assembly of the Territory of Oregon, would respectfully urge upon your honorable body the utmost necessity of paying the spoliation bills of 1855 and 1856.

Whereas, a number of citizens of said Territory were living and residing on the public lands of said Territory, at the commencement of the Indian war of 1855 and 1856, at which time said citizens were driven from their homes, their houses burned, their whole property destroyed by hostile tribes of Indians in said Territory, your memorialists would earnestly ask your honorable body for some immediate action for the relief of said distressed citizens, and your memorialists, in duty bound, will ever pray.

On motion,
The same was adopted.

Mr. Newcomb, chairman of committee on corporations, reported H. B. 19,
Back to the House, with the following amendment:

Add the following section—

Sec. 11. The Territory or State shall have the right to purchase said bridge, hereby authorized to be constructed, at any time after the expiration of five years, by paying the owners thereof a just compensation, under such regulations as may be provided by law; and after the expiration of twenty years, the said bridge shall revert to the Territory or State, (as the case may be) and become a public highway.

Mr. Newcomb moved
The amendment be adopted.

A call of the House was demanded.

Absent—Dryer, Holmes, Jennings, Nichols, Smith of Yamhill, Shattuck, Strong, T'Vault and Tichenor.

On motion,
A farther call was dispensed with.

Mr. T'Vault moved
To lay the bill and amendment on the table.
The yeas and nays were demanded, and resulted as follows:

Yeas—Slater and T'Vault—2.

Nays—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Smith of Polk, Shattuck, Watson, Zieber and Speaker—21.

Mr. Holton moved
To refer the bill and amendment to a select committee of three.
The motion was agreed to.
The Speaker appointed
Messrs. Holton, Craner and Bonham such committee.

Mr. Newcomb, chairman of committee on corporations, reported H. B. 81,
To incorporate Teachers' Associations,
And recommended its passage.
Read a first time, and
On motion of Mr. Parker,

Considered engrossed, and
Read a third time to-morrow.

Mr. Newcomb, chairman of committee on corporations, reported H. B. 97,

To authorize W. R. Munkers to construct a toll bridge over Lake Labish, in Marion county.

Read first time, and
Ordered printed.

Mr. T'Vault, from select committee to whom was referred H. B. 45,

To amend an act taxing Chinamen,

Reported the same back to the House, with the following amendment:

Strike out all after the enacting clause, and insert the following—

SEC. 1. That every Chinaman and Kanaka engaged in mining gold in the county of Jackson, in this Territory, shall pay for such privilege the sum of two dollars per month; and the form of the blank license, as provided for by the act to which this is amendatory, shall be substantially in the following form:

No. —.

TERRITORY OF OREGON, }
COUNTY OF ———, } ss.

This certifies that ——— has this day paid the county of ——— six dollars, which entitles him to mine gold in the county of ——— three months from date.

Witness my hand, and the seal of said county, this ——— day of ———, A. D. 185—.

A. B., Auditor.

SEC. 2. That all Chinamen and Kanakas engaged in buying and selling goods, wares, and merchandise, and every kind of trade and barter among themselves, in this Territory, shall pay for such privilege the sum of fifty dollars per month; and it shall be the duty of the county auditor of each county in Oregon, where Chinamen or Kanakas may be engaged in trading, buying and selling goods, wares and merchandise among themselves, on the first Mondays in March,

June, September, and December in each year, to issue and deliver to the sheriff of said county a sufficient number of blank licenses for the purposes provided for in this section, and charge the same to said sheriff; and the said sheriff shall proceed to collect from any Chinaman, or Kanaka, who may be engaged in said county in trading, buying and selling goods, wares, and merchandise, the sum of fifty dollars per month; and it shall be the duty of said sheriff to pay all moneys he may collect from Chinamen and Kanakas, for the sale of licenses, as provided for in this section, over to the county treasurer, and take his receipt therefor, which shall be a sufficient voucher for said sheriff on the settlement of his accounts with the county commissioners. It shall be the duty of said sheriff, on the first Mondays in March, June, September, and December, in each year, to return to the county auditor all licenses he may have on hand and not sold, and with which he stands charged, and the said auditor shall credit the said sheriff with the licenses so returned, and the said auditor and sheriff shall receive the same fees for the collection of money on the sale of licences, provided for in this section, as they receive for collecting money on the sale of licenses for mining gold.

SEC. 3. That the act to which this is an amendment, taxing Chinamen four dollars per month, be, and the same is repealed, so far as it applies to Jackson county.

SEC. 4. This act to take effect and be in force from and after the first day of March next.

A call of the House was demanded.

Absent—Holmes, Jennings, Nichols, Smith of Yamhill, Shattuck, Strong and Tichenor.

On motion,

A further call was dispensed with.

Mr. Hedges moved to adjourn.

The motion was lost.

Mr. Smith of Polk, moved

To amend the amendment by striking out "fifty," and inserting "twenty-five."

The yeas and nays were demanded, and resulted as follows:

Yeas—Craner, Crooks, Dryer, Parker, Stevens, Smith of Polk, Zieber and Speaker—8.

Nays—Bonham, Bowlby, Chapman, Hannah, Hedges, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Shattuck, T'Vault and Watson—14.

So the amendment to the amendment was disagreed to.

Mr. Lasater moved
To strike out "fifty" and insert "fifteen."
Lost.
The question recurring on the original amendment,
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Hannah, Holton, Jones, McGee, Newcomb, Shattuck, T'Vault and Watson—11.

Nays—Craner, Crooks, Dryer, Hedges, Lasater, McIninch, Parker, Stevens, Smith of Polk, Zieber and Speaker—11.

So the amendment was lost.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

H. B. 45,
Still pending.
Mr. Watson moved
To refer the bill to the standing committee on counties.
The motion was agreed to.

Mr. Parker, chairman of a select committee on prohibitory liquor petitions, submitted the following report:

[See appendix.]

Accompanying which was
H. B. 98,
A bill for submitting the question of prohibition to the people.
Which was read the first time, and
Ordered printed.

And H. B. 99,
A prohibitory liquor bill,
Reported by special committee on that subject.
On motion of Parker,
The report, and
H. B. 99,
Were laid on the table, and
Ordered printed.

Mr. Slater, on leave, introduced
H. B. 100,
A bill to divorce Philip O'Riley.
Read first time, and
On motion,
Referred to a select committee of three.
The Speaker appointed
Messrs. Slater, Craner, and Shattuck as such committee.

Mr. Stevens, from the standing committee on roads and highways, reported
H. B. 101,
A bill to re-locate the territorial road leading from Lafayette to the Polk county line.
Read first time, and
Ordered printed.

Mr. Chapman, from the judiciary committee, reported
C. B 20,
A bill to authorize Joseph Young to construct a wagon road across the Cascade Mountains, and to collect tolls thereon. And
H. B 74,
A bill to be entitled an act to create a lien upon the property of criminals in certain cases,
Back to the House.

On motion,
C. B. 20,
Was read a third time.
Mr. Dryer moved
To recommit said bill to the judiciary committee.
Upon which the yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Crooks, Dryer, Holton, Jones, McIninch, McGee, Newcomb, Stevens, Slater, Watson, Zieber, and Speaker—15.

Nays—Hannah, Hedges, Lasater, Parker, Smith of Polk, Shattuck, and T'Vault—7.

On motion,
Mr. Chapman was excused from voting.

The motion was agreed to.

On motion,
H. B. 74,
Was ordered engrossed, and
Read a third time to-morrow.

Mr. Slater moved
That when the House adjourns, it be to 7 o'clock this evening.
The motion was agreed to.

Mr. T'Vault in the chair.

Mr. Gates moved
To suspend the rules, and take up
H. R. 88,
A bill to amend an act entitled an act to incorporate the Cascade Road and Bridge Company,
From the hands of the committee on corporations.
Agreed to.
H. B. 88,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, Shattuck, T'Vault, Watson, Zieber and Speaker—22.

Nay—Hedges—1.

So the bill passed.

On motion,
The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Mr. Slater moved

To suspend the rules, and take up the messages from the Council on the Clerk's table.

The motion was agreed to.

A message from the Council:

Mr. Speaker:—I am instructed by the President to inform you that the Council has passed

C. B. 18,

To legalize a certain territorial road. And the same is herewith transmitted to the House for concurrence.

N. HUBER, Clerk.

C. B. 18,
Was read first time, and
Passed to a second reading.

Message from the Council:

Mr. Speaker;—I am instructed by the President to inform the House that the Council has passed the accompanying House bills, and transmit the same for enrollment.

H. B. 11,

A bill to extend the charter of the Illinois Valley Wagon Road Company.

H. B. 21,

To amend an act entitled an act to regulate the fees of certain officers, and other persons. And

H. B. 22,

A bill to amend section 1, title 1, chapter 2, of the Oregon statutes in relation to the jurisdiction of justices of the peace.

N. HUBER, *Clerk.*

Message from the Council:

MR. SPEAKER:—I am directed by the President to inform you that the Council has passed the accompanying bills of the House, and the same are herewith returned for enrollment:

H. B 23,

A bill to divorce Eliza Ann Lee from Philester Lee;

H. B 24,

A bill to divorce Lucy Smith;

H. B. 25,

A bill to divorce Buel Woodard and Sarah M. Woodard.

Also,

H. B. 18,

An act to incorporate the Josephine Wagon Road Company,

With an amendment, and request the concurrence of the House.

The Council has also passed the accompanying Council bill,

C. B 7,

A bill to amend an act relating to estrays, and to property lost or unreclaimed,

The same being transmitted to the House for concurrence.

N. HUBER, Clerk.

On motion,

The Council amendment to

H. B. 18,

Was concurred in.

C. B. 7,

Was read first time, and

Passed to a second reading.

Message from the Council:

MR. SPEAKER: I am directed by the President to inform you that

the Council has passed the accompanying bill of the Council, and request the concurrence of the House;

C. B. 24,

A bill to divorce Nancy Judson and Lewis H. Judson.

The Council has also passed

H. B. 12,

With two amendments, which are herewith transmitted for the concurrence of the House.

N. HUBER, Clerk.

C. B. 24,

Was read first time, and

Passed to a second reading.

Mr. Craner moved

To lay the Council amendments to

H. B. 12,

On the table.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Craner, Crooks, Lasater, Newcomb, Stevens and Smith of Polk—7.

Nays—Bowlby, Chapman, Dryer, Hannah, Hedges, Holton, Jones, McInnich, McGee, Parker, Slater, Shattuck, T'Vault, Watson, Zieber and Speaker—16.

So the motion was disagreed to.

Mr. Dryer moved

To adopt the Council amendment No. 1, to

H. B. 12.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Dryer, Hannah, Hedges, Parker, Slater, Shattuck and Speaker—8.

Nays—Bonham, Craner, Chapman, Crooks, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Stevens, Smith of Polk, T'Vault, Watson and Zieber—15.

So the House refused to concur in Council amendment No. 1.

Mr. Chapman moved
To concur in Council amendment No. 2, to said bill.

The yeas and nays were called and resulted as follows:

Yeas—Chapman, Crooks, Holton, Jones, McGee, Newcomb, Parker and T'Vault—8.

Nays—Bonham, Bowlby, Craner, Dryer, Hannah, Hedges, Lasater, McInnich, Stevens, Slater, Smith of Polk, Watson, Zieber and Speaker—14.

So the House refused to concur in the Council amendment No. 2.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Friday, January 14, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

SATURDAY, JANUARY 15, 1859.

House met pursuant to adjournment.

Absent—Bonham, Holmes, Jennings, Jones, Nichols, Stevens, Smith of Yamhill, Smith of Polk, Shattuck, Strong, Tichenor, and Zieber.

The journal of yesterday was read and approved.

Mr. Hannah, chairman of committee on engrossed bills, reported H. B.'s 66, 72, 79, and 83,
As properly engrossed.

Mr. Chapman, chairman of the judiciary committee, reported H. B. 78,

Back to the House, with a recommendation that it pass.

On motion of Mr. T'Vault,

The bill was ordered engrossed, and

Read a third time to-morrow.

Mr. Bonham, on leave, introduced

H. B. 102,

A bill to require the county of Josephine to pay into the Territorial treasury certain revenue, which was due on the first Monday in February, 1858.

Read first time, and

Ordered printed.

Mr. Lasater, on leave, introduced

H. B. 103,

A bill to repeal section 2 of an act relating to territorial and school taxes, passed January 30, 1858.

Read first time, and

Ordered printed.

Mr. Slater introduced the following resolution:

H. J. R. 16,

Resolved by the House, the Council concurring, That the Prosecuting Attorney of the Second Judicial District, in the Territory of Oregon, be, and he is hereby instructed to inquire into the expenditures of money in erecting the Penitentiary at the city of Portland, in the county of Multnomah, in the year A. D. 1856, under the contract of the Penitentiary Commissioners with A. B. Hallock and William Frush, and if upon examination he shall find that a misapplication of the Penitentiary fund has been made, or that money has been improperly drawn from said fund upon false or excessive statements of work, labor, or material, it is hereby made his duty to prosecute any and all persons implicated in such peculation and misapplication of said Penitentiary fund, if in his judgment he shall think the interests of the Territory demand it; and to this end he is hereby authorized to procure the assistance of competent mechanics to make estimates of work done under said contracts; *Provided*, That the cost of such estimates shall not exceed the sum of seventy-

five dollars; and make due report of his proceedings to the next Legislative Assembly.

Mr. Dryer moved to adopt.

Mr. Craner moved

To lay on the table for amendment.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Hannah, Holton, Jones, Lasater, McInnch, Newcomb, Parker, Stevens, Smith of Polk, T'Vault, Zieber, and Speaker—16.

Nays—Bowlby, Dryer, McGee, Slater, and Watson—5.

So the resolution was laid on the table.

Mr. Craner offered the following resolution:

H. R. 17,

Resolved, That after twelve o'clock, M., on Monday, 17th instant, there shall be no new matter introduced into this House for its action.

Mr. T'Vault moved

To amend by striking out "Monday" and inserting "Tuesday."

The amendment was agreed to, and

The resolution, as amended, was adopted.

Mr. Stevens, on leave, introduced

H. B. 104,

To incorporate Butteville Institute.

Read first time, and

Ordered printed.

Mr. Chapman, chairman of the judiciary committee, to whom had been referred

H. B. 84,

Reported the same back to the House, with the following amendment:

Strike out amendment of committee on corporations.

On motion,

Said amendment was adopted.

Mr. Chapman moved

The bill be ordered engrossed, and
Read a third time to-morrow.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Chapman, Jones, McGee, Stevens, and Slater—6.

Nays—Bonham, Craner, Crooks, Hannah, Hedges, Holton, Lasater, McInnich, Newcomb, Parker, Smith of Polk, T'Vault, Watson, and Speaker—14.

So the motion was disagreed to.

Mr. Slater, from select committee, to whom had been referred
H. B. 100,
To divorce Philip O'Riley.
Reported the same back to the House, and recommended that it do pass.
Read a second time, and
Ordered engrossed, and
Read a third time to-morrow.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Chapman moved
To suspend the rules, and take up the messages from the Council.
The motion was agreed to.

Message from the Council:

Mr. Speaker:—I am directed by the President to inform you that the Council insists upon their first amendment to
H. B. 12,
Relocating the seat of government.
Also, that the Council refuses to recede from their second amend-

ment to said bill. And the same is herewith returned to the House in which it originated.

N. HUBER, Clerk.

Mr. Chapman moved

That the House adhere to its disagreement to Council amendment to H. B. No. 12, and request the Council to recede from its amendment.

A call of the House was demanded.

Absent—Holmes, Jennings, Nichols, Stevens, Smith of Polk, Shattuck, Strong, Tichenor and Zieber.

On motion,

A farther call was dispensed with.

The question being on Mr. Chapman's motion,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Polk, T'Vault and Speaker—16.

Nays—Bowlby, Dryer, Parker, Slater and Watson—5.

So the motion was agreed to.

Mr. Bonham moved

That the House resolve itself into committee of the whole.

Lost.

H. B. 85,

Was read a second time, and

On motion of Mr. T'Vault,

Referred to a select committee of three.

The Speaker appointed

Messrs. T'Vault, Dryer and Stevens such committee.

Mr. Holton, from select committee to whom had been referred H. B. 19,

A bill to incorporate the North Umpqua River Bridge Company,

On leave, reported said bill back to the House, with the following amendment, and recommended that it do pass:

In section 1st, strike out "the" before the word "Winchester," and after the word "ferry," "or at any one point within five miles above or below said ferry." Also insert,

"SEC. 11. The Territory shall have the right to purchase said bridge, hereby authorized to be constructed, at any time after the expiration of ten years, by paying to the owners thereof, a just compensation, under such regulations as may be provided by law, and after the expiration of twenty-five years, the said bridge shall revert to the Territory or State, (as the case may be) and become a public highway."

Mr. Chapman moved

To strike out "25" in section 11, and insert "20."

The motion was agreed to.

Mr. Hannah moved

To strike out "ten" in section 11, and insert after the word "expiration," "of five years from the completion of said bridge."

The yeas and nays being called, resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Jones, Lasater, McGee, Newcomb, Parker and Slater—10.

Nays—Bonham, Bowlby, Craner, Dryer, Holton, McInnch, Stevens, Smith of Polk, T'Vault, Watson and Speaker—11.

The motion was lost.

Mr. Watson moved

To adopt the amendment of select committee to

H. B. 19,

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Dryer, Hedges, Holton, McInnch, Parker, Stevens, Smith of Polk, T'Vault, Watson and Speaker—13.

Nays—Chapman, Crooks, Hannah, Jones, Lasater, McGee, Newcomb and Slater—8.

So the amendment was adopted.

Mr. Hannah moved

To refer to committee on corporations.
The motion was disagreed to.

The question then being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Dryer, Hedges, Holton, Lasater, McInnch, McGee, Newcomb, Stevens, Slater, Smith of Polk, T'Vault, Watson and Speaker—16.

Nays—Chapman, Crooks, Hannah, Jones and Parker—5.

So the bill passed.

H. B. 89,
Was read a second time,
Ordered engrossed, and
Read a third time on Monday.

H. B. 91,
Was read a second time.
Mr. Bonham moved
To refer to committee on claims.
Mr. Craner moved
To amend, by referring to committee of the whole House.
The motion was agreed to.

H. B. 92,
Was read a second time.
On motion of Mr. Dryer,
Referred to a committee of the whole House.

H. B. 94,
Was read a second time.
On motion of Mr. Lasater,
Referred to the judiciary committee.

H. B. 95,
Was read a second time.
Mr. Parker moved
To refer to committee on claims.
Mr. Craner moved
To amend, by laying on the table.

The amendment was lost, and the motion agreed to.

H. B. 93,
Was read a second time.
On motion,
Referred to the judiciary committee.

Mr. Chapman, from the judiciary committee, reported
C. B. 20,
Back to the House, with the following amendment:

First section, after the word "mountains, in the eighth line, insert, "On the south side of Mount Hood."
In 3d section, insert the word "wagon" before "road."
Insert the following section:
"SEC. 8. This act may be altered, amended, or repealed."
On motion,
The amendments were adopted.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McIninch, Newcomb, Parker, Slater, T'Vault, Watson and Speaker—14.

Nays—Crooks, McGee, and Smith of Polk—3.

So the bill passed.

Mr. Chapman moved
That the rules be suspended, and messages from the Council be read and considered.
The motion was agreed to.

Message from the Council:

MR. SPEAKER:—I am directed by the President to inform the House that the Council still insists on its amendments to
H. B. 12,
Relocating the seat of government.
And ask for a committee of conference.

N. HUBER, Clerk.

Mr. Dryer moved

That the Speaker appoint a committee of two on the part of the House to confer with a like committee on the part of the Council.

Agreed to.

The Speaker appointed

Messrs. T'Vault and Dryer as such committee.

On motion,

The House adjourned to 7 o'clock, P. M.

EVENING SESSION.

House met pursuant to adjournment.

H. B. 10,

A bill to be entitled an act to amend an act passed January 18, 1856, entitled An act to incorporate the town of Astoria,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Crooks, Hannah, Hedges, Holton, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson and Speaker—17.

Nays—None.

Mr. Chapman was excused from voting.

So the bill passed.

On motion of Mr. Parker,

The title was changed so as to read,

"An act to re-establish the boundaries of Astoria."

H. B. 12,

A bill for the relief of Yamhill county,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Hannah, Holton, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, Watson and Speaker—16.

Nay—T'Vault—1.

So the bill passed.

H. B. 20,

A bill for the relief of N. A. Cornoyer, sheriff of Marion county,

Was read a third time,

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McGee, Newcomb, Parker, Stevens, Smith of Polk and Speaker—13.

Nays—Craner, McInnich, Slater, T'Vault, Watson and Speaker—6.

So the bill passed.

Mr. Chapman moved

To reconsider the vote on

H. B. 20.

The motion was agreed to.

On motion,

H. B. 20,

Was referred to the committee on claims.

H. B. 26,

A bill to divorce Mahala Card from Job Card,

Was read the third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McInnich, Newcomb, Parker, Stevens and Speaker—9.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Lasater, McGee, Slater, Smith of Polk, T'Vault and Watson—11.

So the bill was lost.

On motion of Mr. Slater,

H. B. 26,

Was reconsidered, and laid on the table.

H. B 28,

A bill to divorce Nancy B. Walling from Inman Walling,

Was read a third time, and

On motion of Mr. Stevens,

Laid on the table.

H. B. 29,

A bill to divorce Nathan and Fanny Cohen,

Was read a third time.

On motion of Mr. Dryer,

Laid on the table.

H. B. 30,

A bill to divorce Mary A. Dennis,

Was read a third time.

Mr. Dryer in the chair.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, T'Vault, Watson and Speaker—14.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges and Smith of Polk—6.

So the bill passed.

H. B. 31,

A bill to legalize an informal vote locating the county seat of Curry county,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, T'Vault and Watson—18.

Nay—Speaker—1.

So the bill passed.

H. B. 32,

To change a Territorial road from Albany, in Linn county, to Drift creek, in Marion county,

Was read a third time, and

On motion,

Laid on the table.

H. B. 33,

A bill to incorporate Oregon City,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, and Speaker—18.

None voting in the negative.

So the bill passed.

On motion of Mr. Lasater,

H. B. 32,

To change territorial road running from Albany, in Linn county, to Drift creek, in Marion county,

Was taken from the table.

The question then being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson and Speaker—19.

Nays—None.

So the bill passed.

H. B. 35,

A bill for the relief of John Beeson,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McIninch, Newcomb, Parker, Stevens, Slater, and Speaker—10.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Lasater, McGee, Smith of Polk, T'Vault, and Watson—10.

So the bill was lost.

H. B. 37,
A bill to incorporate the Applegate Creek Ditch Company,
Was read a third time.
On motion,
Referred to committee on corporations.

H. B. 39,
A bill to divorce Lydia Casner,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Holton, Jones, McIninch, McGee, Newcomb, Parker, Stevens, Watson, and Speaker—10.

Nays—Messrs. Bowlby, Craner, Crooks, Hannah, Hedges, Lasater, Slater, Smith of Polk, and T'Vault—9.

So the bill passed.

H. B. 42,
A bill to incorporate the Monger Creek Water Ditch Company,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Slater, Smith of Polk, T'Vault, Watson, and Speaker—18.

Nays—Crooks, and Parker—2.

So the bill passed.

H. B. 42,

A bill to incorporate Laurel Lodge No. 19, F. and A. M.,
Was read a third time, and
The question being, shall the bill pass?
On motion of Mr. Stevens,
The following amendment was adopted:
Add section 5. This act shall take effect and be in force from and after its passage.

The question being, shall the bill pass?
The yeas and nays were demanded and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson, and Speaker—20.

Nays—None.

So the bill passed.

Mr. Craner moved to adjourn.
The House refused to adjourn.

H. B. 49,
A bill to divorce Hessey Williams.
Was read a third time,
The question being, shall the bill pass?
The yeas and nays were demanded and resulted as follows:

Yeas—Bowlby, Chapman, Dryer, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, T'Vault, Watson, and Speaker—14.

Nays—Craner, Crooks, Hannah, Hedges, and Smith of Polk—5.

So the bill passed.

H. B. 49,
A bill to incorporate the Powell's Creek Water Ditch Company,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Dryer, Hannah, Hedges, Hol-

ton, Jones, Lasater, McInnch, McGee, Newcomb, Stevens, Slater, Smith of Polk, T'Vault, Watson, and Speaker—18.

Nays Crooks, and Parker—2.

So the bill passed.

H. B. 53,

A bill to relocate a part of the Territorial road from Salem to Philip Foster's, in Clackamas county,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Lasater, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson, and Speaker—19.

Nays—Jones, and McInnch—2.

So the bill passed.

H. B. 54,

A bill to extend the limits of Dallas, in Polk county,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Lasater, McInnch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson, and Speaker—19.

Nays—None.

So the bill passed.

On motion of Mr. T'Vault,

The House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Saturday, January 15, 1859.

JAMES M. PYLE,

Chief Clerk House of Representatives.

MONDAY, JANUARY 17, 1859.

House met pursuant to adjournment.

Absent—Chapman, Holmes, Jennings, Newcomb, Nichols, Shattuck, Stevens, Strong, T'Vault, Tichenor and Zieber.

The journal of Saturday, 15th inst., was read and approved.

Mr. Lasater moved

To reconsider the vote passing

C. B. 20,

Authorizing Joseph Young to construct a Wagon road across the Cascade Mountains, and collect tolls thereon.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Crooks, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk and Speaker—15.

Nays—Chapman, Hannah, Hedges, Holton, T'Vault and Watson—6.

So the vote was reconsidered.

Mr. Lasater moved

To refer to committee on corporations, with instructions to amend it so as not to occupy the Barlow road, nor to conflict with the corporate rights of Courtney Walker and others, on the north side of Mount Hood.

Mr. Newcomb moved

To amend, by referring to committee on counties, with same instructions.

The motion was agreed to.

Mr. Newcomb, chairman of committee on corporations,

To whom had been referred a petition to amend an act entitled An act to incorporate Dalles City, reported

H. B. 105,
An act entitled an act to incorporate Dalles City.
Read first time, and
Ordered printed.

Mr. T'Vault, from select committee, to whom was referred
C. B. 17,
To divorce Sarah Ann Smith,
With accompanying petitions and remonstrance, reported
C. B. 17,
Back to the House, with accompanying documents, and reported as follows:

MR. SPEAKER:—The select committee to whom was referred C. B. No. 17, to divorce Sarah Ann Smith, have had the same, and accompanying papers, under consideration, and report the same back to the House.

The bill was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, and Smith of Yamhill—11.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, Slater, Smith of Polk, T'Vault, Watson, and Speaker—11.

So the bill was lost.

Mr. Slater, on leave, introduced
H. B. 106,
A bill to create the office of inspector of the Penitentiary, and to define his duties.
Read first time, and
Ordered printed.

Mr. T'Vault, on leave, introduced
H. B. 107,
A bill to amend an act entitled an act to prohibit gaming.
Read first time, and
Ordered printed.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Dryer, on leave, introduced
H. B. 108,
An act entitled an act to provide for the expenses of the Constitutional Convention.
Read first time, and
Ordered printed.

Mr. Watson, on leave, introduced
H. B. 109,
A bill to be entitled an act to amend an act entitled an act to provide for the public printing and distribution of the laws and journals, passed January 11, 1854.
Read first time, and
Ordered printed.

Mr. T'Vault, on leave, introduced
H. B. 110,
To amend an act entitled an act to amend an act to provide for the sale of the common school lands in the Territory of Oregon.
Read the first time, and
Ordered printed.

Mr. Craner, from the committee on claims, to whom had been referred
H. B. 20,
Reported the same back to the House, without any recommendation.

Mr. Dryer moved
To refer the same to a select committee.
The motion was agreed to.
The Speaker appointed
Messrs. Dryer, Smith of Polk, and Smith of Yamhill, as such committee.

Mr. Slater moved
To reconsider the vote by which
C. B. 17,
To divorce Sarah Ann Smith, was lost.
Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Dryer, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, and Speaker—19.

Nays—Crooks, Hannah, T'Vault, and Watson—4.

So the motion was agreed to.

The question being, shall the bill pass?
A call of the House was demanded.
On motion,
A farther call was dispensed with.
On the final passage of
C. B. 17,
To divorce Sarah Ann Smith,
The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Stevens, Slater, Smith of Yamhill, and Speaker—14.

Nays—Bonham, Craner, Crooks, Hannah, Hedges, Parker, Smith of Polk, T'Vault, and Watson—9.

So the bill passed.

Ordered that the Clerk acquaint the Council with the same, and return the bill for enrollment.

Mr. Hedges, from the committee on counties, to whom had been referred
C. B. 20,
Reported the same back to the House, with the following amendment:
Add to section 5, "Provided further that said Young shall not

collect toll from persons passing over the Barlow road, or obstruct the said road; but he may cross or recross the same at such places as he shall deem necessary in the construction of his road; and said Young may, if he think best, make his road on the north side of Mount Hood, by the side of and parallel, as near as may be, with the road granted to C. M. Walker and others; provided he shall not obstruct the same."

Pending which,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

C. B. 20 pending.

Mr. Chapman moved

To amend the amendment reported by the committee, as follows:

Add to section 5, "Provided that this act shall not be so construed as to infringe upon the corporate rights of C. M. Walker and others."

Accepted.

Mr. Crooks moved

To amend as follows: Insert after the fifth line, section 4, "For each wagon with two horses, mules, or oxen, $2 00."

Accepted.

On motion, to adopt the amendment as modified,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McIninch, Newcomb, Parker, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—18.

Nays—Bowlby, Dryer, Holmes, McGee, Stevens, and Slater—6.

So the amendment was adopted.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Hannah, Hedges,

Holton, Jones, Lasater, McInnch, Newcomb, Parker, Smith of Yamhill, T'Vault, Watson, and Speaker—16.

Nays—Bowlby, Dryer, Holmes, McGee, Stevens, Slater, Smith of Polk, and Zieber—8.

So the bill passed.

Mr. Slater moved

To suspend rules, and proceed to third reading of bills.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Dryer, Hannah, Holton, Holmes, Jones, Lasater, McGee, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—19.

Nays—Craner, Hedges, McInnch, Newcomb and T'Vault—5.

So the motion was agreed to.

C. B. 2,

An act to change the practice and fix the time of holding courts,

Was read a third time.

Mr. Slater offered the following amendment,

Amend in section 8, by striking out after the word "juries," line 15 to the word "shall" in 16th line. Also, after "court" in same line, to "at" in 17th line. And add after the word "terms" in 17th line, "unless the court shall for good reasons otherwise order."

Adopted.

Mr. Chapman moved

To amend as follows: In 3d line, after "repealed," insert "except as to United States and admiralty cases."

On motion to adopt,

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—23.

Nays—None.

So the amendment was adopted.

C. B. 3,

A bill for the relief of Roberts & Shartle,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—24.

Nays—None.

So the bill passed.

C. B. 4,

A bill entitled An act to incorporate the Willamette Falls Railroad Company,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Holton, Jones, Lasater, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—21.

Nays—Hedges, Holmes and McIninch—3.

So the bill passed.

C. B. 5,

A bill to divorce Dillard Martin from Miriam Martin,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Stevens, Smith of Yamhill, Watson, Zieber and Speaker—14.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Holmes, Hedges, Slater, Smith of Polk and T'Vault—10.

So the bill passed.

C. B. 6,

To incorporate the Yamhill Water Lock and Transportation Company,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Dryer, Holton, Jones, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—16.

Nays—Crooks, Hannah, Hedges, Holmes, Lasater and T'Vault—6.

So the bill passed.

C. B. 9,

To declare navigable the lower portion of Long Tom river,

Was read the third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

C. B. 10,

For the relief of Melissa J. Thompson,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Smith of Yamhill, Watson, Zieber and Speaker—15.

Nays—Bowlby, Craner, Crooks, Hannah, Slater, Smith of Polk and T'Vault—7.

So the bill passed.

C. B. 11,

To locate a Territorial road from Monroe, in Benton county, to Smithfield, in Lane county,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson Zieber and Speaker—22.

Nays—None.

So the bill passed.

C. B. 12,

To relocate a part of the Territorial road from Vandine's to Eugene City,

Was read a third time, and

On motion of Mr. Chapman,

Laid on the table.

C. B. 13,

An act for the relief of School District No. 36, of Washington county,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson and Speaker—22.

Nays—None.

So the bill passed.

C. B. 14,

A bill to legalize the act of the board of county commissioners of Jackson county in laying out a county road from Jacksonville to John Patterson's, in said county,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInineh, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—22.

Nays—None.

So the bill passed.

C. B. 15,

A bill to vacate a part of a Territorial road,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInineh, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

C. B. 16,

For the relief of Granville C. Rider,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holmes, Holton, Jones, Lasater, McInineh, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

Mr. Crooks moved to adjourn.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Crooks, Hedges, Lasater, McGee and Speaker—7.

Nays—Craner, Chapman, Dryer, Hannah, Holton, Holmes, Jones, McInnich, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson and Zieber—16.

So the House refused to adjourn.

C. B. 19;
To divorce Veronica Wilson,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Watson, Zieber and Speaker—16.

Nays—Craner, Crooks, Hannah and T'Vault—4.

So the bill passed.

H. B. 62,
For relief of School District No. 4, in Linn county,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

H. B. 64,
To divorce James Hunt,
Was read a third time.
The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McInnich, Newcomb, Parker, Slater, Smith of Yamhill, T'Vault, Watson, Zieber and Speaker—12.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Holmes, Hedges, McGee, Slater and Smith of Polk—10.

So the bill passed.

Smith of Yamhill moved to adjourn.
The yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Dryer, Hedges, Holton, Jones, Newcomb, Parker, Smith of Yamhill, Watson and Speaker—10.

Nays—Bowlby, Craner, Chapman, Crooks, Hannah, Holmes, Lasater, McInnich, McGee, Slater, Smith of Polk, T'Vault and Zieber—13.

So the House refused to adjourn.

H. B. 66,
For relief of School District No. 2, in Linn county,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

H. B. 67,
A bill to divorce Samuel Abbot and Marion Abbot,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McIninch, Newcomb, Parker, Smith of Yamhill, Watson, Zieber and Speaker—11.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Holmes, Hedges, Lasater, McGee, Slater, Smith of Polk and T'Vault—12.

So the bill was lost.

Mr. McIninch, on leave, introduced
H. B. 111,
An act for the relief of Mary M. Couey.
Read first time, and
Ordered printed.

Mr. Parker, on leave, introduced
H. B. 112,
A bill to be entitled, An act to incorporate the John Day's River Ferry Company.
Read first time, and
Ordered printed.

On motion of Mr. Bonham,
H. B. 26,
A bill to divorce Mahala Card from Job Card,
Was taken from the table, and put upon its passage.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Smith of Yamhill, Watson, Zieber and Speaker—15.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Slater, Smith of Polk and T'Vault—8.

So the bill passed.

Mr. Hannah moved
To reconsider the vote by which
H. B. 67,
A bill to divorce Samuel Abbot and Marion Abbot, was lost.
The motion was agreed to.
The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, Lasater, McGee, McIninch, Newcomb, Parker, Slater, Smith of Yamhill, Watson, Zieber and Speaker—15.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, Smith of Polk and T'Vault—8.

So the bill passed.

Smith of Yamhill moved
To take from the table
H. B. 28,
To divorce Nancy B. Walling.
The motion was agreed to.
Mr. Lasater moved
To strike out in section 2, "and that of her infant child, Delilah Gertrude Walling, is hereby changed to that of Delilah Gertrude Springer."
The motion was agreed to.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Parker, Smith of Yamhill, Watson, Zieber and Speaker—15.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Slater, Smith of Polk and T'Vault—8.

So the bill passed.

Mr. Holmes moved
To read message from the Council.
The motion was agreed to.

Mr. Slater moved to adjourn.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Crooks, Hedges, McGee, Slater, T'Vault Watson and Zieber—9.

Nays—Craner, Chapman, Dryer, Hannah, Holton, Holmes, Jones, Lasater, McInnich, Newcomb, Parker, Smith of Yamhill, Smith of Polk and Speaker—14.

Message from the Council:

Mr. Speaker:—I am instructed by the President to inform you that the Council has passed the accompanying

C. B. 27,

To incorporate the town of Monmouth.

And ask the concurrence of the House.

N. HUBER, *Clerk*.

C. B. 27,

Was read first time.

On motion,

The rules were suspended, and

The bill read a second time, and

Passed to a third reading.

On motion,

Rules suspended, and bill read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—19.

Nays—None.

So the bill passed.

Mr. Craner moved

To suspend rules, and take up

H. B. 11,

And pass to a third reading.

The motion was lost.

Mr. Hannah moved to adjourn.

Mr. Smith of Yamhill, demanded a call of the House.

On motion,
A further call of the House be dispensed with.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Monday, January 17, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

TUESDAY, JANUARY 18, 1859.

House met pursuant to adjournment.

Absent—Bonham, Chapman, Dryer, Hannah, Jennings, McGee, Nichols, Stevens, Shattuck, Strong, T'Vault, Tichenor, and Zieber.

The journal of yesterday was read, amended, and approved.

Mr. Dryer, on leave introduced
H. B. 113,
A bill to provide for the expenses of the State Legislature,
Read first time, and
Ordered printed.

Mr. McInnich
Presented a petition from Mary M. Couey, for a divorce, with accompanying affidavits.
Read and laid on the table.

Mr. Stevens, on leave, introduced
H. B. 114,
For relief of A. F. Reynolds.

Read first time, and
Ordered printed.

Mr. Dryer, on leave, introduced
H. B. 115,
To divorce Sarah Torrence.
Read first time, and
Ordered printed.

Mr. Hedges, from committee to whom had been referred
H. B. 45,
To amend an act taxing Chinamen.
Reported the same back, with the following amendment:
Strike out the words "this Territory," in section 1, and insert the words "Jackson county."
In section 3, insert the words "Josephine and Jackson," after the word "themselves."
On motion,
The amendments were adopted.
On motion,
The bill was ordered engrossed, and
Read a third time to-morrow.

Mr. Newcomb, chairman of committee on corporations, to whom had been referred
H. B. 80,
To incorporate Yoncalla Institute.
Reported the same back to the House.
Ordered engrossed, and
Read a third time to-morrow.

Mr. Newcomb, from committee on corporations, to whom had been referred
H. B. 37,
A bill to be entitled an act to incorporate the Applegate Ditch Company,
Reported the same back, with the following amendment:
Strike out "ten" in section 1, and insert "fifteen."
The amendment was adopted.

The question being, shall the bill pass?
The yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crobks, Dryer, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—20.

Nay—Parker—1.

So the bill passed.

Mr. Bonham introduced the following resolution:
H. R. 17,

Resolved by the House of Representatives of the Territory of Oregon, That W. G. T'Vault, late Prosecuting Attorney of the Third Judicial District, be, and he hereby is requested to report to this House, at his earliest convenience, the amount of territorial revenue received by him from the treasurer of Jackson county, upon accounts placed in his hands for collection by the present Territorial Auditor. Said Prosecuting Attorney is also further requested to report the date or dates of the reception by him of the revenue aforesaid.

On motion,
The same was adopted.

Mr. Chapman, on leave, introduced
H. B. 116,
A bill to require the territorial treasurer of each county to return certain school funds.

Read a first time, and
Ordered printed.

Mr. Craner moved
That the committee of the whole House be discharged from further consideration of
H. B. 48,
To provide for the inspection of flour.
And that the same be taken up. Agreed to.
Mr. Craner moved
To refer to a select committee of three.

The Speaker appointed
Messrs. Craner, Hedges, and Newcomb as such committee.

On motion of Mr. Slater,
The committee of the whole House was discharged from the further consideration of
H. B. 36,
And on his motion,
The same was referred to committee on roads and highways.

On motion of Mr. Parker,
The committee of the whole House was discharged from further consideration of
H. B. 40,
On motion,
The same was referred to the committee on the judiciary.

Mr. Holmes moved
To suspend the rules, and take
H. B. 27,
From the table.
The motion was disagreed to.

Mr. Craner, on leave, presented the following resolution:
H. J. R. 17,
Resolved [*by the House, the Council concurring,*] That the two Houses of the Legislative Assembly of the Territory of Oregon meet in joint convention, at 2 o'clock, P. M., on Thursday, the 20th day of January, 1859, for the purpose of electing territorial officers.
On motion, adopted.

On motion of Mr. Hannah,
The committee of the whole House was discharged from further consideration of
H. B. 52,
And on his motion,
The same was referred to the committee on claims.

Mr. Holmes moved to take up
H. B. 27,
From the table.
The motion was lost.

H. B. 96,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 97,
Was read a second time.
On motion of Mr. Bonham,
Referred to the standing committee on roads and highways.

Mr. Chapman, on leave, introduced
H. B. 117,
To authorize the change of a certain territorial road in Umpqua county.
Read first time, and
Ordered printed.

H. B. 104,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to a third reading on to-morrow.

H. B. 105,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to a third reading to-morrow.

H. B. 98,
Was read a second time.
Mr. Dryer moved
To refer back to the special committee, where it originated.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Dryer, Hedges, Holton, Holmes, Jones, Lasater, Stevens, Watson, Zieber, and Speaker—10.

Nays—Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, McInnch, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, and T'Vault—14.

So the motion was lost.

Mr. Craner moved
To refer the said bill to the committee on education.
The motion was disagreed to.

Mr. Bowlby moved
To refer the same to the judiciary committee.

Mr. Dryer moved
To amend, by referring to committee on Indian affairs.
The motion was lost.

On motion of Mr. Slater,
The bill was referred to the committee on elections.

Mr. Hannah, chairman of committee on engrossed bills, reported H. B.'s 74, 78, 87, and 100,
As truly engrossed.

Mr. Holton moved to adjourn.
Lost.

H. B. 111,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to a third reading to-morrow.

H. B. 102,
Was read a second time,
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 103,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to a third reading to-morrow.

C. B. 7,
Was read a second time.
On motion,
Referred to committee on the judiciary.

C. B. 18,
Was read a second time.
On motion,
Referred to committee on roads and highways.

C. B. 21,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to a third reading on to-morrow.

C. B. 24,
Was read a second time.
Mr. Bonham moved
To refer to the committee on the judiciary.
Mr. Hannah moved
To amend, by considering engrossed.
Mr. Dryer moved
To amend, by suspending rules and putting the bill on its final passage.
Lost.
The question recurring on the motion of Mr. Hannah,
The motion was agreed to.
The bill was considered engrossed, and
Ordered to a third reading to-morrow.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. T'Vault, from select committee, to whom had been referred H. B. 85,
To incorporate the Cascade Falls Railroad Company.
submitted the following report, together with the said bill:

Mr. Speaker:—The select committee to whom has been referred H. B. 85, to be entitled an act to incorporate the Cascade Falls

Railroad Company, have had the same under consideration, and instructed me to report the same back, and say that it is the opinion of said committee, that to pass said bill it would conflict with vested rights. W. G. T'VAULT,

Chairman.

On motion of Mr. T'Vault,

The report and bill were referred to the committee of the whole House.

Mr. Hedges, from select committee, to whom had been referred H. B. 48,

An act to provide for the inspection of flour.

Reported the same back to the House, with the following amendment:

Strike out section 1, and substitute—

"SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the county commissioners, or county judge, as the case may be, of each county in this Territory, are hereby authorized to appoint, for the term of two years, a competent practical miller, as inspector of flour, who shall perform the duties prescribed by this act within the county for which he shall be appointed."

On motion,

The amendment was adopted.

The bill read a third time, and

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Craner, Crooks, Hedges, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Watson, Zieber and Speaker—14.

Nays—Chapman, Holmes, Jones, Lasater, McIninch, Smith of Polk, and T'Vault—7.

So the bill passed.

Mr. Craner, from committee on claims, to whom had been re-referred a report of said committee on the petition of C. S. Silver for relief, resubmitted the same report, to the effect that the House should take no further consideration of said claim.

On motion,
The report was adopted.

Mr. Chapman moved
To suspend the rules, and
Take C. B. 12, from the table.
The motion was agreed to.
C B. 12,
A bill to re-locate a part of the territorial road from Vandines to Eugene City, having been read a third time, was put upon its final passage.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Hedges, Holton, Holmes, Jones, Lasater, McInnch, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—22.

Nays—None.

So the bill passed.

Mr. Bonham moved
That the House resolve itself into committee of the whole.
The motion was disagreed to.

H. B. 106,
Was read a second time.
Mr. Craner moved
To refer the same to committee on ways and means.
The motion was disagreed to.
Mr. Holmes moved
To refer to judiciary committee.
The motion was agreed to.
Mr. Holton, chairman of joint committee on enrolled bills, reported H. B.'s 4, 6, 10, 11, 13, 15, 18, 21, 22, 23, 24, 25, and 38, As correctly engrossed.

H. B. 8,
Read a second time.
On motion of Mr. McInnch,

To consider engrossed, and
Read a third time to-morrow,
Mr. Dryer moved
To amend, by referring to committee on ways and means.
The amendment was adopted.

H. B. 109,
Was read a second time.
On motion of Mr. Watson,
Referred to committee on printing.

H. B. 111,
Was read a second time.
On motion,
Considered engrossed, and
Read a third time to-morrow.

H. B. 107,
Was read a second time.
Mr. T'Vault moved
To consider engrossed, and
Read a third time to-morrow.
Mr. Smith of Yamhill, moved
To amend, by referring to committee on education.
Mr. Lasater moved
To amend the amendment, by referring to a select committee.
The amendment was adopted.
The Speaker appointed
Messrs. Lasater, T'Vault, Newcomb, Holton and Crooks as such committee.

H. B. 110,
Was read a second time.
On motion of Mr. Dryer,
Referred to committee on education.

On motion of Mr. Watson,
The House adjourned to 7 o'clock, P. M.

EVENING SESSION.

House met pursuant to adjournment.

Mr. Chapman, chairman of the judiciary committee, to whom had been referred

C. B. 24,

A bill to divorce Nancy Judson and Lewis H. Judson, reported the same

Back to the House, with a recommendation that it pass.

Mr. Chapman moved

The rules be suspended, and

C. B. 24,

Be read a third time.

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Holton, Holmes, McInnch, Newcomb, Stevens, Smith of Yamhill, Watson and Zieber—9.

Nays—Bonham, Bowlby, Crooks, Hannah, Hedges, Lasater, Parker, Slater, Smith of Polk, T'Vault and Speaker—12.

So the motion was disagreed to.

The Speaker announced that he had signed the following bills:

H. B. 4,

An act to incorporate the Cascade Mountain Wagon Road Company;

H. B. 6,

An act to change the name of Kirbeyville, in Josephine county;

H. B. 11,

An act to extend the charter of the Illinois Valley Wagon Road Company;

H. B. 15,

An act to authorize the board of county commissioners of Jackson county to levy a special tax, and create a redemption fund for the county indebtedness;

H. B. 18,

An act to incorporate the Josephine Wagon Road Company;

H. B. 21,

To amend an act entitled an act to regulate the fees of certain officers and other persons;

H. B. 22,

To be entitled, an act to amend section 1, title 1, chapter 2, of the Oregon Statutes, in relation to the jurisdiction of justices of the peace;

H. B. 23,

To divorce Eliza Ann Lee from Philester Lee;

H. B. 24,

An act to divorce Lucy Smith;

H. B. 25,

To divorce Buel Woodard and Sarah M. Woodard;

H. B. 38,

To incorporate the Williams' Creek Water Ditch Company;

And also,

H. J. R. 10,

In reference to chartering Pacific Railroad Company; and

H. J. R. 13,

Asking two additional Land Offices.

H. B. 112,

Was read a second time.

On motion,

Referred to the committee on corporations.

H. B. 27,

For the relief of J. H. Lewis, of Polk county,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Dryer, Hedges, Holton, Holmes, Jones, Lasater, Newcomb, Stevens, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—18.

Nays—Benham, Hannah, McIntosh and Parker—4.

So the bill passed.

H. B. 55,

An act to divorce Reuben P. Olds,

Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McInnch, Newcomb, Parker, Stevens, Smith of Yamhill, Watson, Zieber and Speaker—12.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Holmes, Hedges, Lasater, Slater, Smith of Polk—10.

So the bill passed.

Mr. Craner moved
To reconsider the vote by which
H. B. 35,
For relief of John Beeson, was lost.
The motion was agreed to.

The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInnch, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Watson, Zieber and Speaker—16.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges and Smith of Polk—6.

So the bill passed.

Mr. Lasater moved to take
H. B. 29,
A bill to divorce Nathan and Fanny Cohen,
From the table.
The motion was agreed to.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInnch, Newcomb, Parker, Stevens, Smith of Yamhill, Watson, Zieber and Speaker—14.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges and Smith of Polk—7.

So the bill passed.

H. B. 56,
A bill to divorce Sarah Derby,
Was read a third time.
The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, McIninch, Newcomb, Parker, Stevens, Smith of Yamhill, Watson, Zieber and Speaker—13.

Nays—Bowlby, Craner, Crooks and Hannah—4.

So the bill passed.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the Journal of the House of Representatives of Oregon Territory, approved by said House for Tuesday, January 18, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

WEDNESDAY, JANUARY 19, 1859.

House met pursuant to adjournment.

Absent—Jennings, McGee, Stevens, Smith of Polk, Shattuck, Strong, and Tichenor.

The journal of yesterday was read and approved.

On motion of Mr. Lasater,

Mr. Bonham was added to the committee on education.

Mr. Chapman, from the judiciary committee, to whom had been referred

H. B 40,

Reported that the committee have had the same under consideration, and deem it inexpedient to legislate on that subject at this time, and recommend that it do not pass.

On motion,

The report was adopted.

Mr. Hannah, chairman of committee on engrossed bills, reported

H. B.'s 45 and 80,

As truly engrossed.

Mr. Newcomb, chairman of committee on corporations, to whom had been referred

H. B. 112,

To incorporate the John Day's River Ferry Company,

Reported the same back to the House, without amendment.

On motion,

Ordered engrossed, and

Read a third time to-morrow.

Mr. Holmes, from committee on roads and highways, to whom had been referred

H. B. 36,

Reported the same back to the House, with the following amendments:

Amend section 34, by striking out all after the word "aforesaid," (printed bill, 2d line) to the word "to," in the same line."

Amend section 38, by adding as follows: "Provided that in all suits decided adversely to the supervisor hereby authorized to be instituted by him, he shall be allowed a credit in his yearly settlement of costs he may have been compelled to pay on account of such adverse decision or decisions.

Amend section 42, in line 2d, (printed bill) by striking out the words "be due from him," and inserting in lieu of the words so stricken out as follows, "have been assessed upon him under the provisions of this act."

On motion,
The amendment was adopted.
Mr. Slater moved
To suspend the rules, and
Read the third time.
The motion was disagreed to.
On motion,
Considered engrossed, and
Ordered to the third reading on to-morrow.

H. B. 114,
Was read a second time.
On motion,
Considered engrossed, and
Ordered read a third time to-morrow.

Mr. Dryer submitted a report of the joint committee of conference, to whom was referred the subject of disagreement between the two Houses in reference to H. B. 12.

Mr. Craner moved
To lay the report on the table.
The yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Craner, Crooks, Holmes, Lasater, Stevens, Smith of Polk, and Zieber—8.

Nays—Bowlby, Chapman, Dryer, Hannah, Holton, Jones, McInnich, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, T'Vault, Watson and Speaker—17.

So the motion was dissgreed to.

With the consent of the House, Mr. Dryer withdrew the report.

Mr. Parker, from the select committee, to whom had been referred the claim of Roberts & Shartle, submitted the following report:

[See appendix.]

Together with a bill,
H. B. 118,
For the relief of Roberts & Shartle.
On motion,

The report was laid on the table.
The bill was read first time, and
Ordered printed.

Mr. Zieber, chairman of the committee on printing, to whom had been referred
H. B. 109,
Reported the same back to the House, with the recommendation that it do pass.

On motion,
H. B. 109,
Was considered engrossed, and
Ordered to a third reading to-morrow.

H. B. 117,
Was read a second time.
Ordered engrossed, and
Read a third time to-morrow.

H. B. 115,
Was read a second time.
On motion of Mr. Dryer,
Referred to committee on printing.

H. B. 113,
Was read a second time.
On motion of Mr. Dryer,
Referred to committee on ways and means.

H. B. 116,
Was read a second time.
On motion of Mr. Chapman,
Referred to committee on education.

Mr. Bowlby, from select committee, to whom was referred
H. B. 98,
Reported the same back, with the following amendment:

Strike out the 6th section.
The amendment was adopted.
The bill was ordered engrossed, and
Ordered to a third reading on to-morrow.

H. B. 57,
To divorce Jonas Lamphear and Hester Ann Lamphear,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, McInnch, Newcomb, Parker, Stevens, Smith of Yamhill, Watson, Zieber and Speaker—13.

Nays—Bowlby, Craner, Crooks, Hannah, Lasater, McGee, Nichols, Slater, Smith of Polk, and T'Vault—10.

So the bill passed.

H. B. 68,
For the relief of J. P. Kennedy,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, Lasater, McInnch, Newcomb, Parker, Stevens, Smith of Yamhill, Zieber, and Speaker—13.

Nays—Bowlby, Craner, Crooks, Hannah, McGee, Nichols, Slater, Smith of Polk, T'Vault, and Watson—10.

So the bill passed.

H. B. 69,
To divorce Peter Bilyeu,
Was read a third time, and
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McInnch, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Watson and Zieber—13.

Nays—Bowlby, Craner, Crooks, Hedges, McGee, Nichols, Smith of Polk, T'Vault and Speaker—9.

So the bill passed.

H. B. 70,

To divorce Mary Culbertson from her husband, William A. Culbertson,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, McInnich, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, T'Vault, Watson, Zieber, and Speaker—15.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, McGee, Nichols, and Smith of Polk—8.

So the bill passed.

H. B. 71,

To divorce Pamelia Taylor from Absalom Taylor,

Was read a third time.

Mr. Slater moved

To amend, by striking out "property personal and real," and inserting "all personal property."

Mr. Dryer moved

To amend the amendment, by striking out all of section 2.

Agreed to.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, T'Vault, Watson, Zieber and Speaker—16.

Nays—Bonham, Bowlby, Craner, Crooks, Hannah, Hedges, Holmes, Nichols, and Smith of Polk—9.

So the bill passed.

H. B. 72,

To incorporate the Democratic Gulch Mining and Irrigating Water Ditch Company,

Was read a third time.

The question then being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnch, McGee, Newcomb, Nichols, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—24.

Nay—Parker—1.

So the bill passed.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Craner, from committee on claims, to whom was referred H. B. 52,

For the relief of Clackamas county,

Submitted the following report:

MR. SPEAKER:—The committee on claims, to whom was referred the claim of Clackamas county, with the accompanying documents, have had the same under consideration, and now ask leave to report on the same. Your committee would recommend that the House give it no further consideration.

N. H. CRANER,
Chairman.

On motion,

The report was adopted.

Mr. Hannah moved

To reconsider the vote adopting the report.

Agreed to.

On motion,

The report was laid on the table, and the bill was referred to the judiciary committee.

Mr. Bonham moved

To suspend the rules, and take up messages from the Council.

The yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Hedges, Holmes, McGee, Newcomb, Stevens, Smith of Polk, and Speaker—8.

Nays—Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Holton, Jones, McIninch, Nichols, Parker, Slater, Smith of Yamhill, T'Vault, Watson, and Zieber—16.

So the motion was disagreed to.

H. B. 86,

To divorce George Kellogg,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McIninch, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Watson, and Zieber—12.

Nays—Bonham, Bowlby, Craner, Crooks, Hedges, Holmes, McGee, Nichols, Smith of Polk, T'Vault, and Speaker—11.

So the bill passed.

C. B. 24,

A bill to divorce Nancy Judson,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, Lasater, McGee, Stevens, Slater, Smith of Yamhill, T'Vault, Watson, Zieber, and Speaker—14.

Nays—Bowlby, Craner, Crooks, Hannah, Hedges, Nichols, and Parker—7.

So the bill passed.

H. B. 96,

To amend an act to organize the militia,

Was read a third time.

On motion,

Recommitted to the military committee.

H. B. 101,

A bill to re-locate the territorial road leading from Lafayette to the Polk county line.

Read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Nichols, Parker, Stevens, Slater, Smith of Yamhill, T'Vault, Watson, Zieber, and Speaker—21.

Nays—None.

So the bill passed.

H. B. 105,

To incorporate Dalles City,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—23.

Nays—None.

So the bill passed.

H. B. 102,

To require the county of Josephine to pay into the territorial treasury certain revenue which was due on the first Monday in February, 1857,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—24.

Nays—None.

So the bill passed.

H. B. 104,
A bill to establish the Butteville Institute,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Jones, Lasater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Polk, Watson, Zieber, and Speaker—22.

Nays—None.

So the bill passed.

Mr. Craner moved
To adjourn until 7 o'clock this evening.
The yeas and nays were demanded, and resulted as follows:

Yeas—Newcomb, Smith of Polk, and Zieber—3.

Nays—Bonham, Bowlby, Craner, Dryer, Hannah, Hedges, Holmes, Jones, Lasater, McGee, Nichols, Parker, Stevens, Slater, T'Vault, Watson, and Speaker—20.

So the motion was disagreed to.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Wednesday, January 19, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

THURSDAY, JANUARY 20, 1859.

House met pursuant to adjournment.

Absent—Craner, Holmes, Jennings, McInnich, Stevens, Smith of Polk, Shattuck, Strong, T'Vault and Tichenor.

The journal of yesterday was read and approved.

Mr. Chapman moved
The rules be suspended, and
H. B. 77,
Taken from the table.
The motion was agreed to.
H. B. 77,
A bill to incorporate the McKenzie Fork and Cascade Mountain Wagon Road Company,
Was read a third time.
On motion of Mr. Chapman,
The following amendment was adopted:
Amend section 1, third line, by striking out "by subscription to the capital stock of said company," and insert in same place, "and their successors."
Add to section 6, "with all the powers usual to such corporations."
Add "Section 11. This act shall take effect from and after its passage."
On motion,
The bill was ordered engrossed, and
Put upon its passage to-day.

Mr. Chapman moved
To suspend rules, and take up
H. B. 117.
The motion was agreed to.
H. B. 117,
To authorize the relocation of a certain Territorial road in Umpqua county,
Was read a third time.

Mr. Chapman moved

To amend, as follows:

Strike out all of the first section after the word "run," in third line, and insert the following: "upon the old road by the residence of the late John Kellogg, to its intersection with the Cooper's ferry road."

The amendment was adopted.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McGee, Newcomb, Parker, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—19.

Nays—None.

So the bill passed.

Mr. Lasater, from committee on education, to whom had been referred,

H. B. 110,

A bill to be entitled An act to amend an act entitled an act to amend an act to provide for the sale of the common school land of the Territory of Oregon,

Reported the same back to the House, without amendment, and recommended its passage.

Mr. Chapman moved

To re-commit the bill, with instructions.

Mr. Dryer moved

To amend, by referring to select committee of five.

Agreed to.

The Speaker appointed

Messrs. Chapman, Parker, T'Vault, Craner and Lasater.

On motion,

Mr. Dryer was added.

Mr. T'Vault, from the judiciary committee, to whom had been referred

H. B. 62,

A bill for relief of Clackamas county,

Reported the same back, with the following amendment:

Insert, Section 5. That all forfeited recognisances now pending, or collected and not paid into the Territorial treasury, shall hereafter inure to the benefit of and be paid into the county treasury in which the crime is alleged to have been committed, and said county treasurer shall prosecute all forfeited recognisances for the use of their respective counties.

The amendment was adopted.

The bill was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Lasater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

Mr. Holmes, from committee on roads and highways, to whom had been referred

H. B. 97,

To authorize W. R. Munkers to construct a toll-bridge over Lake Labish, in Marion county,

Reported the same back to the House, with the following amendments:

Amend section 2, in second line, by striking out "16" and inserting "12." Also, amend same section in same line, by inserting after the word "wide," "with convenient double track two yards from each terminus."

Also, amend first line in section 8, by striking out the word "toll."

The amendments were adopted.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Dryer, Hannah, Holmes, Holton, Jones, McIninch, McGee, Newcomb, Nichols, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson and Zieber—19.

Nays—Crooks, Hedges, Lasater, Parker and Speaker—5.

So the bill passed.

C. B. 18,

To legalize a certain Territorial road leading from Clackamas county to some point on the Willamette river, opposite Portland, in the county of Multnomah,

Was also reported from same committee,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, McInnich, McGee, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—22.

Nays—None.

So the bill passed.

Mr. Chapman, from committee on military affairs, to whom had been referred

H. B. 96,

Reported the same back to the House, with the following amendment:

Amend by adding to 4th section, in the first line, after the word "Quartermaster," the words Commissary and Surgeon.

Add Section —. "The Quartermaster General shall estimate and draw upon the Territorial Auditor for the amount of any indebtedness heretofore incurred for storage and freight of Territorial arms, which sum shall be audited and paid out of the Territorial treasury."

Adopted.

Mr. Slater moved

To insert after the word "storage" in amendment, the words "and freight."

Adopted.

Mr. T'Vault moved

To insert "not to exceed $288," after the word "freight."

On motion of Mr. Chapman,

The bill was ordered engrossed, and

Read a third time to-day.

Mr. Bonham, from committee on ways and means, to whom had been referred

H. B. 108,

An act to provide for the expenses of the Constitutional Convention,

Reported the same back, with the following amendment:

After the word "audit," in the third line of section 1, (printed copy) strike out "and certify," and insert "and allow."

After the word "upon" in 1st line of section 2, strike out the words "such certificate," and insert "upon the warrant of the auditor." Insert

Section 3. "The commissioners of each county in this Territory shall, in the year 1859, levy 1¾ mills on the dollar of the taxable property for Territorial purposes, instead of 1 mill, as now required by law."

Adopted.

On motion,

Ordered engrossed, and

Read a third time to-day.

The same committee reported back

H. B. 113,

An act to provide for the expenses of the State Legislature,

With the following amendments:

Strike out all after the enacting clause, and insert,

Sec. 1. That the auditor of said Territory be, and he hereby is authorized and required to audit and allow the expenses of the session of the State Legislature of Oregon, held at Salem in July, 1858, adopting as a basis for compensation, the rates fixed by the Constitution of Oregon; and where that instrument is silent, said auditor shall be governed in the allowance of claims, by the rates now paid for similar service in the Territorial Legislature.

Sec. 2. The treasurer of said Territory is hereby required to pay said expenses upon the warrants of said auditor, out of any money in the treasury not otherwise appropriated.

Sec. 3. This act shall take effect and be in force from and after its passage.

On motion,
The amendment was adopted,

Mr. Craner moved
To lay the report and bill on the table.
The yeas and nays were demanded, and resulted as follows:

Yeas—Craner, Chapman, Hannah, Holmes, Lasater, Stevens, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—12.

Nays—Bonham, Bowlby, Crooks, Dryer, Hedges, Holton, Jones, McIninch, McGee, Newcomb, Nichols, Parker and T'Vault—13.

The motion was disagreed to.

H. B. 113,
And report pending,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Smith of Yamhill, offered the following resolution:

Resolved, That the Council be informed that the House is now ready to meet the Council in joint convention, for the purpose of electing Territorial officers.

Adopted.

Mr. Hannah, chairman of committee on engrossed bills, reported
H. B.'s 96, 108 and 112,
As truly engrossed.

Mr. Craner, from committee on claims, to whom was referred
H. B. 95,
A bill for the relief of Samuel Tollman,
Reported the same back with the following amendment:

Amend in section 1, by striking out $70 and inserting $52.

On motion,

The amendment was adopted.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Craner, Chapman, Crooks, Dryer, Hedges, Holton, Jones, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault and Zieber—17.

Nays—Holmes, Lasater, McIninch, Watson and Speaker—5.

So the bill passed.

JOINT CONVENTION.

The members of the Council having appeared within the bar of the House,

The President of the Council presiding,

Then announced that the two Houses had met in joint convention for the purpose of electing Territorial officers.

Mr. T'Vault moved

To proceed to the election of officers.

The motion was agreed to.

Mr. T'Vault nominated Daniel Newcomb for Brigadier General.

Those voting for Mr. Newcomb were—Berry, Ford, Mack, Parker of Council, Steward, President, Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Zieber and Speaker—25.

Voting blank—Cornelius, Dryer, Newcomb, Nichols, Parker of House, Slater and Watson—7.

The President announced that Daniel Newcomb was duly elected Brigadier General.

Mr. Hannah moved

To proceed to elect a Quarter-Master General.

Agreed to.

Mr. Hannah nominated George H. Steward.

Those who voted for Steward were—Berry, Ford, Mack, Parker of Council, President, Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—26.

Voting blank—Cornelius, Steward, Dryer, Nichols, Parker, and Slater—6.

The President announced that Geo. H. Steward was duly elected Quarter-Master General.

Mr. Lasater nominated A. L. Lovejoy for Commissary General.

Those voting for Mr. Lovejoy were—Berry, Ford, Mack, Parker of Council, Steward, President, Bonham, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Zieber, and Speaker—26.

Voting blank—Cornelius, Bowlby, Nichols, Parker, Slater, and Watson—6.

The President announced that A. L. Lovejoy was duly elected Commissary General.

Mr. Stevens nominated D. S. Holton for Surgeon General.

Those voting for Mr. Holton were—Berry, Ford, Mack, Parker of Council, Steward, President, Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—26.

Voting blank—Cornelius, Dryer, Holton, Nichols, Parker of the House, and Slater—6.

The President announced that D.S. Holton was duly elected Surgeon General.

Mr. Hedges nominated J. D. Boon for Territorial Treasurer.

Those voting for Mr. Boon were—Berry, Ford, Mack, Parker of Council, Steward, President, Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—26.

Voting blank—Cornelius, Bowlby, Dryer, Nichols, Parker, of the House, and Slater—6.

The President announced that J. D. Boon was duly elected Territorial Treasurer.

Mr. Steward nominated B. F. Bonham for Territorial Auditor.

Those voting for Mr. Bonham were—Berry, Ford, Mack, Parker of Council, Steward, President, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—25.

Voting blank—Cornelius, Bonham, Bowlby, Nichols, Parker of House, and Slater—6.

The President announced Mr. Bonham as duly elected Territorial Auditor.

Mr. Zieber nominated B. F. Bonham for Territorial Librarian.

Those who voted for Mr. Bonham were—Berry, Ford, Mack, Parker of Council, Steward, President, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—25.

Voting blank—Cornelius, Bonham, Bowlby, Dryer, Nichols, Parker of House, and Slater—7.

The President announced that B. F. Bonham was duly elected Territorial Librarian.

Mr. Smith, of Yamhill, nominated Ahio S. Watt for University Land Commissioner.

Those voting for Mr. Watt were—Berry, Ford, Mack, Parker of Council, President, Bonham, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnch, McGee, Newcomb, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Zieber, and Speaker—25.

Voting blank—Cornelius, Steward, Bowlby, Dryer, Nichols, Parker, Slater, and Watson—8.

The President announced Ahio S. Watt duly elected University Land Commissioner.

Mr. Hannah moved
To proceed to elect two Pilot Commissioners.
Agreed to.
Mr. Hannah nominated George Flavel.

Mr. T'Vault moved
To reconsider the vote to proceed to the election of said officers.
The motion was agreed to.

On motion of Mr. Hannah,
The joint convention dissolved.

Mr. Dryer, from committee of conference on the disagreement of House and Council upon amendments to
H. B. 12,
Submitted the following report:

MR. PRESIDENT:—Your committee of conference appointed on the part of the Council to confer with a like committee on the part of the House, in reference to matters of disagreement to Council amendments to
H. B. 12,
A bill to re-locate the seat of government of Oregon Territory, have had the said matters under consideration, and beg leave to report as follows:

1. That three of your committee have agreed to Council amendment to section 2 of said bill—Mr. T'Vault disagreeing.

2. Your committee have unanimously agreed that the Council recede from Council amendment to the 9th section of said bill.

Respectfully submitted,

GEO. H. STEWARD,
Chm'n Com. on part of the Council.
T. J. DRYER,
One of Com. appointed by the House.

Mr. T'Vault, on leave, submitted the following report from the same committee:

Mr. Speaker:—The undersigned, one of the committee of conference appointed on the part of the House to confer with a like committee on the part of the Council, in reference to disagreement between the two Houses to

H B. 12,

To locate the seat of government of the Territory of Oregon, have had the same under consideration, and I can report:

1. That said committee unanimously agree to strike out Council amendment No. 2, in section 9 of said bill and leave it as it passed the House.

2. Said committee cannot agree to Council amendment No. 1, to section 2, to locate the seat of government at Portland.

Respectfully submitted,

W. G. T'VAULT,
One of Com. on the part of the House.

Mr. Chapman moved

To discharge the committee of conference on the part of the House.

Pending which,

The House adjourned, to meet at 7 o'clock this evening.

EVENING SESSION.

House met at 7 o'clock, pursuant to adjournment.

The Speaker stated that the question before the House was the motion to discharge the committee of conference on the part of the House.

A call of the House was demanded.

Absent—Bonham, Bowlby, Dryer, and Smith of Polk.

On motion,

A further call was dispensed with.

The question being on the motion to discharge the committee of conference,

Mr. Bonham moved

To amend by adopting Mr. T'Vault's report.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Crooks, Holton, Holmes, Jones, Lasater, McInnich, Newcomb, Stevens, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—15.

Nays—Bowlby, Chapman, Dryer, Hannah, Hedges, McGee, Nichols, Parker, Slater, and Smith of Yamhill—10.

So the amendment was adopted.

The question recurring on the motion to discharge the committee of conference,

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Crooks, Dryer, Hannah, Hedges, Holton, McGee, Newcomb, Nichols, Smith of Yamhill, Smith of Polk, T'Vault, Zieber, and Speaker—14.

Nays—Bonham, Bowlby, Craner, Holmes, Jones, Lasater, McInnich, Parker, Stevens, Slater, and Watson—11.

So the committee was discharged.

Mr. Dryer, from committee to whom was referred

H. B. 20,

For the relief of N. A. Cornoyer, sheriff of Marion county,

Reported the bill back, together with certain affidavits, and recommended its passage.

The bill was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnch, McGee, Newcomb, Nichols, Parker, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—23.

Nays—None.

So the bill passed.

Mr. Holmes, from committee on roads and highways, on leave, reported

H. B. 119,

Read first time.

On motion,

The rules were suspended, and

Read a second time.

On motion,

Recommitted to the committee on roads and highways.

On motion of Mr. Dryer,

The rules were suspended, and messages from Council taken up:

A message from the Council:

MR. SPEAKER:—I am instructed by the President of the Council to inform you that he has signed the following bills, to wit:

H. B.'s Nos. 4, 21, 11, 15, 6, 18, 23, 22, 24, 38, and 25; also, H. J. R.'s Nos. 13, and 10.

And the same are herewith returned to the House.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am directed by the President to inform the House that the Council has passed the accompanying Council bills, and request the concurrence of the House thereto.

C. B. 33,

A bill to legalize the town plat of Astoria.

C. B. 34,

A bill to authorize the construction of wharves at the town of Astoria.

Also, C. B. 32,
A bill to define the civil relation of Charlotte Olney.

N. HUBER, *Clerk*.

C. B. 32,
To define the civil relations of Charlotte Olney,
Was read a first time, and
Passed to a second reading.
On motion of Mr. T'Vault,
Read a second time, and
Passed to a third reading.
On motion of Mr. Dryer,
The rules suspended, and
Read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Dryer, Hedges, Holton, Lasater, McGee, Parker, Stevens, Smith of Polk, T'Vault, and Speaker—15.

Nays—Holmes, Jones, McInnch, Newcomb, Slater, Smith of Yamhill, Watson, and Zieber—8.

So the bill passed.

C. B. 33,
To legalize the town plat of Astoria,
Was read first time, and
Passed to a second reading.

C. B. 34,
A bill to authorize the construction of wharves at the town of Astoria.
Read first time, and
Passed to the second reading.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has reconsidered the vote by which the Council concurred in the adoption of

H. J. R. 14,
Providing for a *sine die* adjournment.
And request that the resolution be returned to the Council.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has passed

H. B.'s Nos. 57, 87, 71, 70, 76, 105, 104, 102, 72, 87, 27, and 52; and the same are herewith returned to the House for enrollment.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER—I am instructed by the President of the Council to transmit to you the enrolled bills of the Council, 11, 9, 13, 16, 10, 5, 3, 19, 17, 14, and 27, herein inclosed, requesting your signature thereto.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has concurred in the adoption of

H. J. R. 17,
Providing for a joint convention of the two Houses.

Also, that the Council has passed

C. B. 28,

To amend an act relating to the granting of licenses; and the same is herewith transmitted to the House for concurrence.

Also, that the Council has passed House bills Nos. 35, 26, 28, 67, 64, 47, 29, and 66; and the same are herewith returned to the House for enrollment.

N. HUBER, *Clerk.*

C. B. 28,

A bill to amend an act entitled an act relating to the granting of licenses to sell spirituous liquors, &c.,

Was read first time, and

Passed to a second reading.

A message from the Council:

MR. SPEAKER:—I am instructed by the President to inform you that the Council has concurred in House amendments to

C. B. 2,

To change the practice in courts, &c.

Also, that the Council has passed

H. B. 62,

For the relief of School District No. 4, of Linn county. And

H. B. 61,

To incorporate Western Star Lodge.

The same are returned to the House for enrollment.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER:—I am instructed by the President to inform you that the Council concur in

H. J. R. 14,

In relation to adjournment *sine die.*

Also the Council has passed

H. B. 88,

A bill to amend an act entitled An act to incorporate the Cascade Road and Bridge Company,

And the same is herewith transmitted for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER:—I am directed by the President to transmit to you the enrolled bills of the Council, Nos. 4, 6, 12, 15 and 2, herein enclosed, requesting your signature thereto.

Also, that the Council has passed

H. B. 56,

To divorce Sarah Derby,

H. B. 13,

For relief of Yamhill county,

H. B. 55,

To divorce Reuben P. Olds, and

H. B. 32,

To change a Territorial road,

And the same are herewith transmitted for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has passed

C. B. 26,

To divorce Susan Tarey,

Also,

H. B. 33,

To incorporate Oregon City,

With an amendment, and the same are herewith transmitted to the House for concurrence.

Also, the Council has passed

H. B. 39,

To divorce Lydia Casner,

And return the same to the House for enrollment.

N. HUBER, Clerk.

C. B. 26,

To divorce Susan Tarey,

Read a first time, and

Passed to a second reading.

On motion,

The amendment of the Council to

H. B. 33,

Was concurred in.

A message from the Council:

MR. SPEAKER: I am directed by the President to inform you that he has appointed Messrs. Steward and Cornelius as the committee of conference on the part of the Council, on the disagreement of the two Houses upon the adoption of Council amendments to

H. B 12,

Relocating the seat of government of Oregon.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER:—I am directed by the President to inform you that the Council has passed

H. B. 17,

To relocate a part of the territorial road from Oregon City to Pleasant Hill,

And the same is herewith transmitted for enrollment.

N. HUBER, Clerk.

A message from the Council:

Mr. Speaker:—I am directed by the President to inform you that the Council has passed the accompanying bills, and request the concurrence of the House:

C. B. 23,

A bill to divorce Elijah Dodson and Susan Dodson;

Also,

C. B. 25,

A bill to authorize R. S. Jewett and Brothers to construct a floating bridge across Rogue River, and to collect tolls thereon.

N. HUBER, Clerk.

C. B. 23,

To divorce Elijah Dodson and Susan Dodson, was

Read first time, and

Mr. Smith of Yamhill moved

To indefinitely postpone.

Lost.

Mr. Holmes moved

To suspend the rules, and

Read a second time now.

Mr. Chapman moved

To amend, by laying on the table.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Chapman, Crooks, Hedges, Jones, McGee, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Zieber and Speaker—14.

Nays—Bowlby, Craner, Dryer, Hannah, Holton, Holmes, Lasater, McIninch, Newcomb, T'Vault and Watson—11.

So the amendment was adopted.

C. B. 25,

A bill to authorize R. S. Jewett and Brothers to construct a floating bridge across Rogue River, and to collect tolls thereon,

Read first time, and

Passed to second reading.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has adopted the accompanying

C. J. R. 5,

And the same is herewith transmitted for concurrence.

N. HUBER, Clerk.

C. J. R. 5,

On motion,

Was laid on the table.

A message from the Council:

MR. SPEAKER—I am directed by the President to inform the House that the Council has passed

H. B. 19,

To incorporate the North Umpqua River Bridge Company,

And the same is herewith returned for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has passed

C. B. 29,

A bill to grant Ellen L. Coonts a divorce,

And the same is herewith transmitted to the House for concurrence.

Also, that the Council has passed the accompanying

H. B.'s, Nos. 31, 54, 49, 53, 42, 10, 30 and 43,

And the same are herewith returned to the House for enrollment.

N. HUBER, Clerk.

C. B. 29,

To grant Ellen L. Coonts a divorce,

Read first time, and
Passed to second reading.

Mr. Bowlby moved to adjourn.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Holton, Jones, McInnich, McGee, Parker, Stevens, T'Vault and Watson—11.

Nays—Chapman, Crooks, Hannah, Hedges, Holmes, Lasater, Newcomb, Nichols, Slater, Zieber and Speaker—12.

So the House refused to adjourn.

H. B. 113,
Was laid on the table.

H. B. 118,
For the relief of Roberts & Shartle,
Was read a second time,
On motion,
Considered engrossed, and
Ordered to be read a third time to-morrow.

H. B. 45,
A bill to amend an act taxing and protecting Chinamen and Kanakas,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Hannah, Hedges, Holton, Holmes, Jones, McGee, Newcomb, Nichols, Stevens, Smith of Yamhill, T'Vault, Watson, and Zieber—16.

Nays—Crooks, Lasater, McInnich, Parker, Slater, Smith of Polk, and Speaker—7.

So the bill passed.

The question being, shall the title of the bill stand as the title of the act?
Mr. Watson moved
To amend the title, so as to read,

An act to protect Chinamen and Kanakas.

H. B. 74,

A bill entitled an act to amend an act to create a lien upon the property of criminals, in certain cases,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Hedges, Holmes, Holton, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—22.

Nays—None.

So the bill passed.

H. B 75,

A bill to repeal an act concerning swine running at large in the county of Wasco,

Was read a third time.

The question then being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Lasater, McInnich, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—20.

Nays—Jones, Nichols and T'Vault—3.

So the bill passed.

H. B. 76,

A bill to divorce Elisabeth Jane Williams and Asa Williams,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Holton, Jones, Lasater, McInnich, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Watson, Zieber and Speaker—13.

Nays—Bonham, Bowlby, Crooks, Hannah, Hedges, McGee, Nichols, Smith of Polk, and T'Vault—9.

So the bill passed.

H. B. 78,

A bill to be entitled an act to incorporate the Sterling and Jacksonville Water Ditch and Irrigating Company,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, McInnich, Newcomb, Nichols, Stevens, Slater, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—18.

Nay—Crooks—1.

So the bill passed.

H. B. 79,

An act to relocate a portion of the territorial road leading from Salem by way of Matheney's ferry to Dayton,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Lasater, McInnich, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber and Speaker—19.

Nays—None.

So the bill passed.

H. B. 80,

An act to incorporate Yoncalla Institute,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, McInnich, McGee, Newcomb, Nichols, Stevens, Slater, Smith

of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker —19.

Nays—None.

So the bill passed.

H. B. 81,
A bill to incorporate Teachers' Associations,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded and resulted as follows:

Yeas—Chapman, Hedges, Holton, Holmes, Jones, Lasater, McInnch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—18.

Nay—Crooks—1.

So the bill passed.

H. B. 82,
To establish and regulate quartz mining claims,
Read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hedges, Holton, Holmes, Jones, Lasater, McInnch, Newcomb, Nichols, Parker, Stevens, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—18.

Nays—None.

So the bill passed.

H. B. 83,
To locate a territorial road from Eola to Tillamook Bay,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Holton, Holmes, Jones, Lasater, McInnch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—19.

Nays—None.

So the bill passed.

H. B. 87,

An act to incorporate the Congregation Beth-Israel,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McIninch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker —20.

Nays—None.

So the bill passed.

H. B. 87,

A bill to authorize the legal guardians of Henry H Spalding, and George W. Kirk, to sell, convey, and secure the right of way for a mill-race over the lands of the said Henry H. Spalding and George W. Kirk, to the following co-partners: Hugh L. Brown, James Blakely, Jas. McHargue, William McHargue, and Robert A. Johns.

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Jones, McInnich, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—17.

Nays—Holmes, and Lasater—2.

So the bill passed.

H. B. 90,

A bill to be entitled an act to amend an act entitled an act relating to alienating by deed, and the proof and recording of conveyances, and the canceling of mortgages,

Was read a third time.

The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, McInnich, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—19.

Nay—Lasater—1.

So the bill passed.

H. B 100,
A bill to divorce Philip O'Riley,
Was read the third time.
The question being, shall the bill pass?
The yeas and nays were demanded and resulted as follows:

Yeas—Chapman, Dryer, Holton, Jones, McInnich, Newcomb, Parker, Stevens, Slater, Watson, Zieber, and Speaker—12.

Nays—Crooks, Hedges, Holmes, Lasater, Smith of Yamhill, and Smith of Polk—6.

So the bill passed.

H. B. 96,
A bill to amend an act to organize the militia,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Jones, Lasater, McInnich, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Watson, Zieber, and Speaker—17.

Nays—Holmes, and Smith of Polk—2.

So the bill passed.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the

journal of the House of Representatives of Oregon Territory, for Thursday, January 20, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

FRIDAY, JANUARY 21, 1859.

House met pursuant to adjournment.

Absent—Craner, Dryer, Holmes, Jennings, Lasater, Parker, Shattuck, Strong, Tichenor, Watson, and Zieber.

The journal of yesterday was read and approved.

Mr. Parker offered the following resolution:

Resolved, That the committee on commerce be requested to report, on to-morrow or before, upon the propriety of the election of Pilot Commissioners at this session, and as to who are now the Pilot Commissioners for the Columbia Bar.

Adopted.

The Speaker announced that he had signed the following bills of the Council:

Nos. 2, 4, 6, 12, 15, 9, 18, 14, 5, 19, 17, 27, 16, 11, 10, and 3.

Mr. Holmes, from committee on roads and highways, to whom had been referred

H. B. 119,

A bill to authorize the commissioners of Lane and Umpqua counties to pay for certain services,

Reported the same back to the House, with the following amendments:

In eighth line, section 1, insert the words, "of the Smith river road."

On motion,
The amendment was adopted.
H. B. 119,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—23.

Nays—None.

So the bill passed.

On motion of Mr. Bonham,
The committee of the whole House was discharged from any further consideration of H. B. 58.

On motion of Mr. T'Vault,
The committee of the whole House was discharged from any further consideration of H. B. 44.

Mr. Bonham moved to refer
H. B. 58,
To the committee on claims.
Agreed to.

Mr. Parker moved
That the committee of the whole House be discharged from any further consideration of H. B.'s 14, and 59.
Agreed to.

On motion of Mr. Hannah,
The committee of the whole House was discharged from any further consideration of H. B. 43.

On motion of Mr. Holton,
H. B. 44,
A bill to provide for the maintenance of the poor and indigent sick of Josephine and Jackson counties,

Was considered engrossed, and
Read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Dryer, Hedges, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Parker, Stevens, Smith of Yamhill, T'Vault, Watson, Zieber and Speaker—19.

Nays—Crooks, McIninch, and Smith of Polk—3.

So the bill passed.

Mr. Dryer moved
That the House committee on military affairs be requested to report in relation to matters heretofore submitted to them in reference to the Quarter-master and other departments.
Agreed to.
Mr. Dryer moved
That the military committee be requested to report on said subjects now.

Mr. Stevens moved
To amend, by requesting them to report by two o'clock, P. M., to-day.

Mr. Chapman moved
That he be excused from voting on said motion.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Holmes, Jones, Lasater, McGee, Newcomb, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Zieber, and Speaker—16.

Nays—Dryer, Hedges, McIninch, Nichols, and Watson—5.

So the House excused Mr. Chapman.

The yeas and nays were demanded upon the amendment, which resulted as follows:

Yeas—Bonham, Crooks, Dryer, Hedges, Lasater, McIninch, Nichols, Stevens, Slater, Smith of Polk, and Watson—11.

Nays—Bowlby, Hannah, Holton, Holmes, McGee, Newcomb, Parker, Smith of Yamhill, Zieber, and Speaker—10.

So the amendment was adopted.

Mr. Chapman, chairman committee on military affairs, in response to House resolution, submitted the following report and accompanying documents.

[See appendix.]

Mr. Slater moved

That the report and accompanying documents be laid on the table, and one thousand copies ordered printed.

Mr. Dryer moved

To amend, by printing two thousand copies.

The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Crooks, Dryer, Hannah, Hedges, Holmes, McInnich, Nichols, Slater, Smith of Yamhill, Watson, and Zieber—13.

Nays—Chapman, Holton, Lasater, McGee, Newcomb, Parker, Stevens, Smith of Polk, and Speaker—9.

So the amendment was adopted.

The question recurring on the motion as amended, was agreed to.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Mr. Chapman, on leave, presented the following resolution:

Resolved, That the Governor be, and he is hereby requested to communicate to the House copies of the correspondence of General Harney, and that this resolution be forthwith forwarded to the Executive office in Salem.

On motion,

The resolution was adopted.

Mr. Hedges, from committee on claims, to whom had been referred
H. B. 58,
For the relief of certain creditors of the Territory,
Reported the same back, with a recommendation that it do pass.
On motion,
H. B. 58,
For the relief of certain creditors of the Territory,
Was considered engrossed, and
Read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holmes, Jones, Lasater, McIninch, McGee, Nowoomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, T'Vault, Watson, Zieber, and Speaker—19.

Nays—None.

So the bill passed.

A message from the Council:

Mr. Speaker—I am instructed by the President to transmit to you the enrolled bills of the Council, Nos. 18, and 32, herein enclosed, requesting your signature thereto.

N. HUBER, Clerk.

Mr. Chapman, from judiciary committee, reported
H. B. 120,
A bill to divorce Mary Fogerty.
Read first time, and
Ordered printed.

Mr. Chapman, chairman of the judiciary committee, to whom had been referred
C. B. 7,
An act to amend an act relating to estrays, and to property lost and unreclaimed,
Reported the same back, with a recommendation that it do pass.
C. B. 7,
Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, T'Vault, and Watson—14.

Nays—Holmes, McInnich, Smith of Polk, and Speaker—4.

So the bill passed.

Mr. Holmes, from committee on roads and highways, to whom had been referred certain road petitions, reported as follows:

MR. SPEAKER—The committee on roads and highways have had under consideration the petition of H. A. McCartney, and others, praying for the vacation and re-location of a territorial road from Burlington, in Linn county, to Eugene City; also, the locating of a territorial road from Peoria, in Linn county, intersecting the territorial road running from Corvallis to Eugene City.

Your committee find the petitions are not definite as to the locality of said road. Your committee, therefore, ask to be discharged from any further consideration of the same.

H. N. V. HOLMES,
Chairman Committee.

Adopted.

Mr. Lasater, from select committee to whom had been referred H. B. 107,

A bill to be entitled an act to amend an act entitled an act to amend act to prohibit gaming,

Reported the same back with the following amendment:

MR. SPEAKER—The select committee to whom was referred H. B. 107, have had the same under consideration, and report the following amendments:

In section 2, (printed copy) fourth line, strike out all after the word "conviction," and insert "be deemed guilty of a misdemeanor, and fined in any sum not exceeding two thousand dollars."

In section 3, third line, strike out "five" and insert "twenty-five." Same section, fourth line, strike out "twenty-five" and insert "one hundred dollars."

Strike out all of sections 4 and 5.

All of which is respectfully submitted.

J. H. LASATER, Chairman.

On motion,

The report and amendments were adopted.

H. B. 107,

Considered engrossed, and

Ordered to a third reading to-morrow.

Mr. Slater moved to take up

H. J. R. 16.

The motion was agreed to.

He also offered the following amendments to said resolution:

Amend by inserting after the word "and," and before the word "if," line 11, as follows, "into the amount of proceeds of penitentiary convict labor for the year 1858 and."

2d. By inserting after the word "material," and before the word "it," in line 16, as follows; "or that the proceeds of the labor of said convicts have been improperly diverted from the Territorial treasury, and applied to private use, without due authority of law, and in fraud of the Territory."

3d. By inserting after the word "fund," and before the word "if," line 19, as follows, "or the proceeds of said convict labor."

Mr. Holmes moved to amend.

(The consideration of Mr. Slater's amendment was suspended for the present, to enable Mr. Holmes to perfect his amendment.)

Mr. Chapman, on leave,

Presented the following resolution:

H. R. 19,

Resolved, That Gen. E. M. Barnum be requested to prepare and furnish to the House of Representatives an abstract of expenses incurred by the Territory of Oregon in the organization and pay of the Gold Beach Guards; allowing for personal services and horse-hire an amount corresponding, as near as may be, to the amount allowed for similar services by the war commission.

Adopted.

Mr. Chapman moved

To suspend rules, and take up

H. B. 77,

Agreed to.

H. B. 77,

To incorporate the McKenzie Fork and Cascade Mountain Wagon Road Company,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Hannah, Holton, Holmes, Jones, Lasater, McIninch, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Polk, Watson, Zieber, and Speaker—19.

Nays—None.

So the bill passed.

Mr. Chapman, from the judiciary committee, to whom had been referred H. B.'s 73 and 106,

To more effectually provide for the labor and safe keeping of the Penitentiary convicts,

Submitted the following report, and returned the bills:

The committee on the judiciary, to whom was referred H. B.'s Nos. 73 and 106, upon the subject of making the penitentiary a self-sustaining institution, have had the same under consideration, and beg leave to report—that impressed with the necessity of making some provision by law (to the proposed end) during the present session of the Assembly, your committee have given the subject all the consideration which its very recent reference to them would permit, and have come to the following conclusions, viz:

1st. That the penitentiary and convict labor should be farmed out, under the supervision of an inspector.

2d. The inspector should be elected at general elections, but until the first election, he should be appointed by the Governor.

3d. That proposals for contracts should be received, sealed, but after execution, and before taking effect, to be submitted to and approved by the Governor.

4th. That all principal contracts should be subject to any modification the Legislature may hereafter deem proper to make in the system of government of the Penitentiary; Provided, That the lessee or contractor have provision made by law for payment of any loss he may sustain by such change.

5th. That any disagreement between the inspector and lessee may be submitted to the Governor, who shall have power to remove either.

Your committee therefore report back H. B. 106, with sundry amendments, and recommend its passage.

W. W. CHAPMAN, Chairman.

Amendments to
H. B. 106,
Add to section 16, the following:

And provided further, That all contracts of lease entered into under the provisions of section five of this act, and all contracts entered into under the provisions of section ten of this act, as well as the contracts authorized by this section, shall be submitted to and be subject to the approval of the Governor, and if disapproved by him, shall be re-let, as herein provided; *And it is further provided*, That all the contracts in this section, before referred to, shall also be at all times subject to any change the Legislature may hereafter make in the system of government of the penitentiary, provision by law being made for the payment of any loss the contractor may sustain in consequence of such change.

Insert the following section:

Sec. —. That any disagreement between the inspector and lessee may be submitted to the Governor, who shall have power to remove either of said officers, and order a re-letting of the contract, as in this act provided, or fill the office thus vacated, which appointment shall continue until the next general election, provided that the reasons for such removal shall be reduced to writing, and published in one or more newspapers in Oregon in general circulation.

On motion of Mr. McIninch,
The report and amendments were adopted.

Mr. Slater offered the following amendments to
H. B. 106,

Section 7, line 2, insert "to" after the word "convicts," and insert "and" after the word "required" in same line. In line 6, same section, insert "and" after the word "it." In same line strike out "always" and insert in its place "further."

Sec. 8, line 2, strike out "and" after "labor."

Sec. 13, line 3, insert "against the Territory" after "arising." Same line, strike out "and" after "contracts" and insert "as" in its stead.

Sec. 16, line 2, strike out "William Knotts" and insert "Joseph Knott, or any other responsible person." Same section, line 3, strike out "Wm." and insert "Joseph."

The amendments were adopted.

Mr. Slater moved
To fill the first blank in section 15, with $1500.
Lost.
Mr. Chapman moved
To insert $1200.
Mr. Hedges moved
To amend, by inserting $1400.
Which amendment was lost, and
The motion was agreed to.

Mr. Slater moved
To fill second blank with $900.
Mr. Bonham moved
To amend, by inserting $1200,
Upon which amendment the yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Holton, Holmes, Lasater, McGee, Newcomb, Stevens, Zieber, and Speaker—10.

Nays—Chapman, Crooks, Dryer, Jones, McIninch, Parker, Slater and Smith of Polk—8.

So the amendment was adopted.

Mr. Slater moved

To fill the third blank with "three dollars."
Mr. Lasater moved
To amend, by substituting "two dollars."
The amendment was adopted.
On motion,
The bill was ordered engrossed, and
Read a third time to-morrow.

Mr. Stevens moved to adjourn.
Mr. Slater moved
To amend, by adjourning until 7 o'clock this evening.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Dryer, Holton, Holmes, Jones, Lasater, McGee, Newcomb, Nichols, Parker, Slater, Smith of Polk, Zieber and Speaker—16.

Nays—Hedges, McInnich, and Stevens—3.

So the House adjourned to 7 o'clock this evening.

EVENING SESSION.

House met pursuant to adjournment.

A communication and report was received from General E. M. Barnum, Adjutant General, in response to House resolution.
On motion of Mr. Chapman,
The communication and accompanying documents were referred to the committee on military affairs.

C. B. 26,
To divorce Susan Tary,
Was read a second time.
On motion,
Considered engrossed, and
Ordered to a third reading on to-morrow.

C. B. 25,
To authorize R. S. Jewett and brothers to construct a floating bridge across Rogue river, and collect tolls thereon,

Was read a second time.
On motion,
Referred to the committee on roads and highways.

C. B. 28,
Was read a second time.
On motion,
Referred to committee on counties.

C. B. 29,
Was read a second time.
On motion,
Referred to committee on Indian affairs.

C. B. 34,
A bill to authorize the construction of wharves at the town of Astoria,
Was read a second time.
Mr. Parker moved the following amendment:
Add the following section—"Section 3. In the construction of any wharf or wharves authorized by this act, an entrance of not less than fifty feet in width from the channel into any public basin or landing place to which the public may have the right of access, shall remain open and unobstructed."
Adopted.
Mr. Parker, moved
To suspend rules, and read a third time now.
Mr. Chapman moved
To amend, by referring to committee on roads and highways.
Agreed to.

Mr. T'Vault, from committee on Indian affairs, to whom had been referred
C. B. 29,
To grant Ellen M. Coonts a divorce,
Reported the same back, and recommended that it do pass.
On motion of Mr. Dryer,
The rules were suspended, and
The bill read a third time.
The question then being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Chapman, Dryer, Holton, Holmes, Jones, Lasater, McIninch, Nichols, Parker, Stevens, Slater, T'Vault, Watson, Zieber, and Speaker—16.

Nays—Crooks, Hannah, Hedges, McGee, and Smith of Polk—6.

So the bill passed.

Mr. Parker

Presented sundry petitions in relation to a prohibitory liquor law.

Referred to the select committee on the subject of prohibition.

Mr. Zieber, from the committee on printing, to whom had been referred

H. B. 115,

A bill to divorce Sarah Torrence,

Reported the same back to the House, and recommended its passage.

H. B. 115,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Dryer, Holton, Holmes, Jones, McIninch, Newcomb, Parker, Slater, Watson, and Zieber—11.

Nays—Bonham, Crooks, Hannah, Hedges, Lasater, McGee, Nichols, Smith of Polk, T'Vault, and Speaker—10.

So the bill passed.

C. B. 33,

Was read a second time.

On motion,

Referred to committee on roads and highways.

On motion of Mr. T'Vault,

The rules were suspended, and messages from Council taken up.

A message from the Council:

Mr. Speaker—I am instructed by the President to inform you that the Council has passed

C. B. 31,

And the same is herewith transmitted to the House for concurrence.

N. HUBER, Clerk.

C. B. 31,
Was read a first time.
On motion of Mr. Stevens,
The rules were suspended, and
Read a second time.
On motion,
The rules were further suspended, and
The bill read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Dryer, Hannah, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Polk, T'Vault, and Zieber—20.

Nays—Hedges, and Speaker—2.

So the bill passed.

Mr. Speaker—I am instructed by the President to inform you that the Council has passed

C. B. 36; also, H. B. 80,

With accompanying amendments; and the same are herewith transmitted, requesting the concurrence of the House thereto.

Also, to transmit enrolled bill of the Council No. 32, herewith enclosed, requesting your signature thereto.

N. HUBER, Clerk.

C. B. 36,
Was read a first time.
On motion,
The rules were suspended, and
The bill read a second time, and
Passed to a third reading.

Mr. T'Vault moved
To concur in the amendments of Council to H. B. 80.
Agreed to.

A message from the Council:

Mr. Speaker—I am instructed by the President to inform you that the Council has concurred in the passage of

H. B.'s 68, 75, 76, 78, 82, 89, 101, 117, 100, 119, 44, 48, and 45. And the same are herewith returned to the House for enrollment.

N. HUBER, *Clerk.*

H. B. 103,
To repeal section 2 of an act relating to school taxes,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Crooks, and Lasater—2.

Nays—Bonham, Bowlby, Chapman, Hannah, Holmes, Jones, McIninch, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—18.

So the bill was lost.

On motion,
The House adjourned.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Friday, January 21, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

SATURDAY, January 22, 1859.

House met pursuant to adjournment.

Absent—Hannah, Jones, McIninch, Newcomb, Stevens, and Smith of Polk.

The journal of yesterday was read and approved.

Mr. Chapman offered the following resolution:

Resolved, That a committee of two be appointed further to confer with the committee on the part of the Council upon the disagreement of the two Houses upon H. B. 12.

A call of the House was demanded.

Absent—Hannah, Hedges, Holton and T'Vault.

On motion,
A farther call was dispensed with.
A call of the House was again demanded.
On motion,
A further call of the House was dispensed with.

Mr. Holmes moved
To lay the resolution of Mr. Chapman on the table.
Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Crooks, Holmes, Lasater, McInineh, Stevens, Smith of Polk, Watson, Zieber and Speaker—11.

Nays—Bowlby, Chapman, Dryer, Hannah, Jones, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill and T'Vault—12.

So the motion was disagreed to.

A call of the House was demanded.
On motion,
A further call was dispensed with.

The question being on the adoption of Chapman's resolution,
The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Hannah, Hedges, Holton, McGee, Newcomb, Parker, Slater, Smith of Yamhill and T'Vault—10.

Nays—Bonham, Bowlby, Craner, Crooks, Dryer, Holmes, Jones, Lasater, McInineh, Nichols, Stevens, Smith of Polk, Watson, Zieber and Speaker—15.

So the resolution was lost.

Mr. Bonham offered the following resolution:
H. R. 20,

Resolved, That the report of the War Commission created by Congress, to investigate the claims growing out of the late Indian war of Oregon, be printed as an accompanying document to the report of the military committee of this House, made on the 21st inst., in relation to the Quartermaster's department, and other matters.

Mr. McIninch moved the previous question.
The question being, shall the main question be now put?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Craner, Crooks, Hedges, Holmes, Lasater, McIninch, Stevens, Slater, Smith of Polk, Zieber and Speaker—12.

Nays—Bowlby, Chapman, Dryer, Hannah, Holton, Jones, McGee, Newcomb, Nichols, Parker, Smith of Yamhill, T'Vault and Watson—13.

So the House refused to second the previous question.

On motion,
The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

The Speaker stated that the question before the House was the the adoption of H. R. 20, introduced by Mr. Bonham.

A call of the House was demanded.

Absent—Dryer and Newcomb.

On motion,
A further call was dispensed with.

Mr. T'Vault moved
To lay H. R. 20, on the table.
The yeas and nays were demanded, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Jones, Parker, Smith of Yamhill, T'Vault and Watson—12.

Nays—Bonham, Craner, Holmes, Lasater, McInnich, Nichols, Stevens, Slater, Smith of Polk, Zieber and Speaker—11.

So the motion was agreed to.

Mr. Slater moved
To suspend rules, and proceed to third reading of bills.
The motion was agreed to.

H. B. 36,
A bill relating to roads and highways,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Craner, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Nichols, Parker, Stevens, Slater and Zieber—18.

Nays—Smith of Yamhill, Smith of Polk and Speaker—3.

So the bill passed.

Mr. Holton, chairman of joint committee on enrolled bills, reported H. B.'s 17, 37, 72, 105, 104, 71, 27, 70, 69, 102, 52, 57 and 86, As correctly enrolled.

H. B. 108,
An act to provide for the expenses of the Constitutional Convention,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were demanded and resulted as follows:

Yeas—Bonham, Craner, Chapman, Crooks, Holton, Holmes, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Polk and T'Vault—15.

Nays—Hannah, Hedges, Jones, Lasater, Zieber and Speaker—6.

So the bill passed.

Mr. Chapman moved

That a message from the Executive office be read.

The motion was agreed to.

Whereupon communications were read from Brigadier General W. S. Harney, and his Excellency, Geo. L. Curry, Governor of Oregon.

Mr. Hannah moved

The communications be laid on the table, and 1,000 copies ordered printed.

The Speaker announced that he had signed the following bills:

H. B.'s 17, 52, 37, 72, 105, 102, 71, 104, 70, 67, 86, 57 and 27; and C. B.'s 32 and 18.

Mr. Holton, chairman of committee on enrolled bills, reported

H. B.'s 56, 68, 39 and 19,

As correctly enrolled.

On motion,

The House adjourned to meet at 6½ o'clock, P. M.

EVENING SESSION.

House met at 6 1-2 o'clock, pursuant to adjournment.

Mr. Hannah moved

To suspend rules, and proceed to the reading of messages.

Adopted.

A message from the Council:

Mr. Speaker: I am directed by the President to inform you that the Council has passed

H. B. 68,

And the same is herewith returned to the House for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has passed the following bills, to wit:

H. B.'s 83, 87, 74, 95, and 20.

And the same are herewith returned to the House for enrollment.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER:—I am instructed by the President to inform you that the Council has passed

H. B.'s Nos. 77, 115, 79, and 96.

And the same are herewith returned to the House for enrollment.

N. HUBER, Clerk.

The Speaker announceed that he had received a communication from A. Bush, Esq.

On motion, was read, and was as follows:

SALEM, *January* 22, 1859.

To the Speaker of the House of Representatives:

SIR—In reading the "proof" of the report of the Military Committee of the House of Representatives, this moment, I discover that said report does not directly relieve the Territorial Printer from inference of having been aware of the withdrawal of the document styled "A consolidated statement." I wish to say that all the papers transmitted by the Clerk were given as they were received, unopened, to the gentleman in charge of the public work in my office—that I did not know of what they consisted, and never saw or heard of the paper styled "consolidated statement," until I heard in the House that such paper had been transmitted to the Assembly with the Governor's message, and was not printed therewith. Where, when, by whom, or of whom it was obtained, I had neither knowledge or suspicion.

Respectfully,

ASAHEL BUSH,

Territorial Printer.

On motion of Mr. Chapman,

The communication was laid on the table, ordered to be attached

to, and printed as a part of, the report of the military committee on the subject of the receipts and expenditures of the Quarter-master, Commissary, and other departments, &c.

H. B. 109,

A bill to be entitled an act to amend an act entitled an act to provide for the public printing and distribution of the laws and journals, passed January 11, 1854,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Hannah, Holton, Holmes, Jones, Lasater, McGee, Nichols, Parker, Stevens, Smith of Polk, T'Vault, Watson, and Speaker—16.

Nays—McInnich, and Slater—2.

So the bill passed.

H. B. 111,

For the relief of Mary M. Couey,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Holton, Holmes, Jones, Parker, Stevens, and Speaker—8.

Nays—Bowlby, Crooks, Hannah, Hedges, Lasater, McGee, Nichols, Smith of Polk, T'Vault, and Watson—10.

So the bill was lost.

H. B. 112,

To incorporate the John Day's River Ferry Company,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Crooks, Holton, Holmes, Jones, Lasater, McInnich, McGee, Nichols, Parker, Stevens, Smith of Yamhill, Smith of Polk, and Speaker—13.

Nays—Bowlby, Hannah, T'Vault, and Watson—4.

So the bill passed.

H. B. 114,
A bill for the relief of Asa F. Reynolds,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Crooks, Hedges, Holton, Holmes, Jones, Lasater, McIninch, McGee, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—19.

Nays—Bowlby, and Hannah—2.

So the bill passed.

Mr. Holton, of joint committee on enrolled bills, submitted the following report:

Mr. Speaker—The joint committee on enrolled bills beg leave to submit the following House bills:

Nos. 10, 42, 53, 49, 33, 43, and 80. Also, H. B.'s Nos. 75, 35, 38, 29, 54, 47, and 31, as truly enrolled.

D. S. HOLTON,
Chairman.

H. B. 118,
A bill for the relief of Roberts & Shartle,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Crooks, Hedges, Holton, Lasater, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, and Watson—12.

Nays—Bonham, Hannah, Holmes, Jones, McIninch, Stevens, Smith of Polk, T'Vault, Zieber, and Speaker—10.

So the bill passed.

Mr. Chapman, from committee on military affairs, to whom had been referred that portion of the Governor's message which relates

to an appropriation for the pay of the Gold Beach Guards, submitted the following report:

Mr. Speaker—The committee on military affairs, to whom was referred that part of the Governor's message which relates to the organization and pay of certain volunteers called the Gold Beach Guards, have had the same under consideration, and report that in consequence of there being no representative from Coos and Curry counties in the House, your committee have not been able to obtain the necessary information in detail which would enable your committee to decide whether in the origin and progress of the Indian hostilities referred to in the organization of this force there is any thing which will justify the payment of services out of the Territorial Treasury. As a general rule, all expenses incurred in the suppression of Indian hostilities constitutionally fall upon the General Government, and it is in pursuance of this rule that the large amount of expenses incurred in the war of 1855–'6 have been directed to pass through the hands of the War Commission. There may be cases of this kind which ought to be paid out of the Territorial Treasury, but the committee has not the necessary information (if it exists) to enable the committee to find an excuse for preferring the claimants under the Gold Beach organization to the numerous and equally meritorious claimants for services in the war of 1855–'6.

Memorial to the Congress of the United States:—Your memorialist, the Legislative Assembly of the Territory of Oregon, would respectfully represent, that after the close of the Indian wars of 1855–'56, there remained quite a number of hostile Indians in the vicinity of the mouth of Rogue River and Pitt River, whose depredations, as set forth in the accompanying petitions, rendered it indispensably necessary that the inhabitants in that vicinity should organize in self-defence, which they did, and his Excellency, Governor Curry, recognized.

Your memorialist further shows that the expenditures of money and property by the inhabitants was inconsiderable, and that nothing short of the organization, in the shape of a volunteer force, saved the inhabitants from an indiscriminate slaughter. The settlements being so detached, rendered it impossible to gain assistance from our fellow-citizens in time to give the necessary relief. The accompany-

ing "abstract" shows the amount of service; and the property and the value thereof has been set forth; the price of service and property, and horse-hire has been directed by your memorialist to correspond, as near as may be, to the prices allowed by the war commission in similar cases.

Your memorialist most earnestly prays that the accompanying abstract of claims may be put on a footing with the claims as audited by the War commission.

[For abstract accompanying, see Appendix.]

Mr. Hedges, from committee on claims, to whom had been referred C. B. 28,

A bill to amend an act relating to the granting of licenses to sell spirituous liquors,

Reported the same back with the following amendments:

Amend section 1, by erasing all in said section after the word "declared," and inserting the word "repealed" in place of the words so stricken out.

In section 2, erase all words between "force" and "amended."

Erase all of section 3.

Amend the number of section 4 by changing to 3.

The amendments were adopted.

Mr. Lasater moved

To amend so as to read "not to sell a less quantity than a gallon."

Lost.

Mr. Bonham moved

To re-commit the bill, with instructions to amend so as to make the rate of license two hundred and fifty dollars per annum.

The motion was disagreed to.

C. B. 28,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Hedges, Lasater, McIninch, McGee, Nichols, Parker and Smith of Polk—9.

Nays—Chapman, Crooks, Hannah, Holton, Holmes, Jones, Newcomb, Stevens, Slater, Smith of Yamhill, T'Vault, Watson, Zieber and Speaker—14.

So the bill was lost.

Mr. Chapman, from select committee, to whom had been referred H. B. 110,

An act relating to the sale of school lands,

Reported the same back, with the following amendment:

Strike out all after the enacting clause, and insert

"An act to amend an act to provide for the sale of the common school lands."

SEC. 1. That on the 15th day of February, and monthly thereafter, the Territorial treasurer shall report to the Territorial auditor an abstract of all moneys, notes, bonds, obligations, or promises to pay, which, up to the time of such report, shall have come into his hands, arising from the sale of common school land, designating in such abstract, the county within which shall be situated the lands from the sale of which such moneys, notes, bonds, obligations, or promises to pay shall have arisen.

SEC. 2. That it shall be the duty of the Territorial auditor, immediately after the receipt of the report and abstract, provided for in the preceding section, to draw warrants upon the Territorial treasurer in favor of the county superintendent of the proper county, for the moneys, notes, bonds, obligations, and promises to pay specified in the abstract as hereinbefore provided.

SEC. 3. It shall be the duty of each county superintendent to collect and receive the amount due upon any notes, bonds, obligations, or promises to pay, by him received from the Territorial treasurer, in like manner, and under like regulations as are provided for in the act to which this is an amendment.

SEC. 4. That sections six, seven and eight of an act passed the Council January 30, 1858, to which this is an amendment, be, and the same are hereby repealed.

SEC. 5. That no loans of moneys arising from any source, and known as the common school fund, shall hereafter be made to terminate beyond the second Monday of September, 1864.

Sec. 6. This act shall take effect and be in force from and after its passage.

The amendment was adopted.

The bill was read a third time, and
The question being, shall the bill pass?
The yeas and nays were demanded, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Crooks, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInineh, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—23.

Nays—None.

So the bill passed.

Mr. Slater moved to take up
H. B. 73,
A bill to more effectually provide for the labor and safe-keeping of the Penitentiary convicts.
Agreed to.
The bill was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bonham, Bowlby, Chapman, Hannah, Hedges, Holton, Holmes, Jones, Lasater, McInineh, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber, and Speaker—21.

Nays—None.

So the bill passed.

Mr. Chapman, from committee on judiciary, to whom had been referred
H. B. 93,
A bill to extend the suffrage of half-breeds; and
H. B. 94,
A bill to remove the incompetence of half-breeds as witnesses in courts of justice; reported the same back, with the recommendation

that it is inexpedient to legislate upon that subject at the present time.

Mr. Chapman moved

To adopt the report of the committee.

Mr. Stevens moved

To amend, by recommitting to same committee, with instructions to report a bill submitting those questions to a vote of the people.

Adopted.

Mr. T'Vault moved

To suspend the rules, and proceed to the reading of messages.

Agreed to.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has passed

H. B. 108,

And the same is herewith returned to the House for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform the House that the Council has passed

H. B.'s 36 and 109.

And the same are herewith transmitted to the House for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has passed

H. B.'s 112, and 114.

And the same are herewith returned to the House for enrollment.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER:—I am instructed by the President to transmit to you the enrolled bills of Council, Nos. 29, 31, and 7, herein inclosed, requesting your signature thereto.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER:—I am instructed by the President to inform you that he has signed House bills Nos. 27, 57, 86, 104, 69, 70, 71, 102, 105, 72, 37, 17, and 52; and the same are herewith returned to the House where they originated.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER:—I am directed by the President to inform you that the Council has passed

H. B. 118,

And the same is herewith returned to the House for enrollment.

N. HUBER, Clerk.

The Speaker announced that he had signed the following bills:

C. B.'s Nos. 29, 7, and 31.

Also, H. B.'s Nos. 82, 19, 45, 76, 100, 117, 75, 35, 88, 29, 47, 54, 31, 53, 49, 42, 43, 30, 10, and 33.

Mr. T'Vault moved to take from the table

H. B. 113,

A bill to provide for the payment of the expenses of the State Legislature.

H. B. 113,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Crooks, Holton, McInnich, McGee, Newcomb, Smith of Yamhill, and T'Vault—7.

Nays—Bowlby, Chapman, Hannah, Hedges, Holmes, Jones, Lancaster, Nichols, Parker, Slater, Smith of Polk, Watson, Zieber, and Speaker—14.

So the bill was lost.

Mr. Parker moved to take

H. B. 98,

From the table. Agreed to.

H. B. 98,

To provide for the submission to the electors of Oregon of the question, "For, or against prohibition?"

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called and resulted as follows:

Yeas—Bowlby, Chapman, Hedges, Holmes, McInnich, McGee, Nichols, Parker, Stevens, Slater, Smith of Yamhill, and Smith of Polk—12.

Nays—Crooks, Hannah, Holton, Jones, Newcomb, T'Vault, Watson, Zieber, and Speaker—9.

So the bill passed.

C. B. 26,

A bill to divorce Susan Tary,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Chapman, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Watson, Zieber, and Speaker—16.

Nays—Crooks, Hannah, Smith of Yamhill, and T'Vault—4.

So the bill passed.

Mr. McInnich moved

To amend the title, by striking out "from" and inserting "and."

Agreed to.

Mr. Hedges moved to reconsider

H. B. 111,

A bill to divorce Mary Couey.

Agreed to.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Holton, Holmes, Jones, McInnich, Newcomb, Parker, Stevens, Smith of Yamhill, Watson, Zieber, and Speaker—12.

Nays—Crooks, Hannah, Lasater, Nichols, Smith of Polk, and T'Vault—6.

So the bill passed.

Mr. Chapman moved

To take up the report of the military committee on the subject of legislating to protect slave property.

Agreed to.

Mr. Chapman moved to adopt.

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holton, Jones, Newcomb, Slater, Smith of Yamhill, T'Vault, Watson, Zieber, and Speaker—13.

Nays—Bowlby, Holmes, Lasater, McInnich, McGee, Nichols, Parker, Stevens, and Smith of Polk—9.

So the report was adopted.

Mr. Holton, chairman of committee on enrolled bills, reported H. B.'s Nos. 18, 48, 78, 26, 109, and H. J. R. 17, As truly enrolled.

Mr. Holmes offered the following resolution:

Resolved, That the unqualified thanks of this House are due, and they are hereby tendered to the Honorable N. H. Gates, Speaker of this House, for the prompt and impartial manner in which he has discharged the responsible and arduous duties of his position; and also to the Chief Clerk, James M. Pyle, for the faithful and competent discharge of his laborious duties; and all the officers of this House for the faithful discharge of the duties assigned them.

On motion,

The resolution was unanimously adopted.

C. B. 25,

A bill to authorize R. S. Jewett and brothers to construct a floating bridge across Rogue river, and to collect tolls thereon,

Was read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Chapman, Crooks, Hannah, Hedges, Holmes, Holton, McGee, Newcomb, Nichols, Parker, Smith of Yamhill, Smith of Polk, T'Vault, Zieber, and Speaker—17.

Nays—None.

So the bill passed.

The Speaker announced that he had signed House bills 28, 78, and 109.

C. B. 34,
A bill to authorize the construction of wharves at Astoria,
Was read a third time.
The question being, shall the bill pass?
The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Crooks, Hedges, Holton, Holmes, Jones, Lasater, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, Smith of Polk, Watson, Zieber, and Speaker—19.

Nay—Chapman—1.

So the bill passed.

Mr. Holton, chairman joint committee on enrolled bills, reported
H. B. 62,
As correctly enrolled.

The Speaker announced that he had signed House bills 118, 62, 26, 17, 101, 48, 44, and 89.

Mr. Holton, from joint committee on enrolled bills, reported
H. B. 108,
As correctly enrolled.

C. B. 33,
A bill to legalize the town plat of Astoria,
Was read a third time, and
On motion, laid on the table.

Mr. Chapman, chairman of the committee to whom had been

referred House bills 93 and 94, with instructions to report a substitute, reported

H. B. 121,

An act to provide for submitting to the people the question of permitting half-breeds to vote and to testify.

Which was read the first time, and

Passed to a second reading.

On motion,

The rules were suspended, and

Read a second time.

Passed to a third reading.

On motion,

The rules were suspended, and

Read a third time.

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Hedges, Holmes, Lasater, McInnich, Parker, Stevens, Smith of Yamhill, Smith of Polk, Zieber, and Speaker—10.

Nays—Bowlby, Chapman, Crooks, Hannah, Holton, McGee, Newcomb, Nichols, Slater, T'Vault, and Watson—11.

So the bill was lost.

The Speaker announced that he had signed House bills 55, and 78.

A message from the Council:

MR. SPEAKER:—I am directed by the President to inform you that he has signed the following bills of the House, to-wit:

Nos. 36, 68, 19, 33, 39, 56, 30, 42, 45, 53, 82, 119, 117, 100, 31, 76, 29, 88, 54, 10, 75, 49, 43, 35 and 47,

And the same are herewith returned to the House, where they originated.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has concurred in the passage of H. B.'s 110 and 73, and the same are herewith returned to the House for enrollment.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER—I am instructed by the President to transmit to you C. B. 25, enrolled, and request your signature thereto.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that he has signed H. B.'s 109, 28 and 78, and the same are herewith returned to the House, where they originated.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am directed by the President to transmit for your signature C. B. 26, truly enrolled.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has concurred in the passage of H. B. 111, and the same is herewith returned to the House for enrollment.

N. HUBER, *Clerk.*

A message from the Council:

MR. SPEAKER—I am directed by the President to inform you that he has signed H. B.'s Nos. 26, 101, 48, 44, 89, 62, 108 and 118, and H. J. R. 17, and the same are herewith returned to the House, where they originated.

N. HUBER, Clerk.

A message from the Council:

MR. SPEAKER—I am instructed by the President to inform you that the Council has concurred in the adoption of H. J. R. 14, providing for a *sine die* adjournment on January 22d, 1859.

N. HUBER, Clerk.

C. B. 36,

A bill to amend an act to locate a Territorial road from Ft. Lane, in Jackson county, to Roseburg in Douglas county,

Was read a third time.

On motion of Mr. McGee, the following amendment was adopted.

Add to section 2, "Provided that not more than four persons shall be employed in such service, including the commissioners, and they shall be paid for the same three dollars per day for the time reasonably employed in their respective counties."

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Bowlby, Crooks, Hedges, Holton, Holmes, Lasater, McGee, Newcomb, Nichols, Parker, Slater, Smith of Yamhill, Smith of Polk, T'Vault, Watson, Zieber and Speaker—18.

Nays—None.

So the bill passed.

Mr. Holton, of joint committee on enrolled bills, reported

H. B.'s Nos. 44, 48, 101 and 89,

As correctly enrolled.

A message from the Council:

MR. SPEAKER: I am directed by the President to inform you that the Council is now ready to adjourn *sine die*.

N. HUBER, *Clerk*.

C. B. 21,

A bill confirming the title to certain lots in Oregon City,

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were called, and resulted as follows:

Yeas—Chapman, Crooks, Hannah, Hedges, Holmes, McInnich, McGee, Newcomb, Nichols, Parker, Stevens, Slater, Smith of Yamhill, T'Vault and Speaker—15.

Nays—None.

So the bill passed.

H. B. 107,

A bill to amend an act entitled an act to prohibit gaming,

P. 213 follows index.

Was read a third time, and

The question being, shall the bill pass?

The yeas and nays were demanded, and resulted as follows:

Yeas—Chapman, Hannah, Hedges, Newcomb, T'Vault, and Mr. Speaker—6.

Nays—Bowlby, Crooks, Holmes, McInnch, McGee, Nichols, Parker, Stevens, Slater, Smith of Polk—10.

So the bill was lost.

Mr. T'Vault moved that the Council be informed that the House of Representatives is now ready to adjourn *sine die*.

Agreed to.

Mr. T'Vault moved (12 o'clock, P. M.) to adjourn *sine die*.

The motion was agreed to, whereupon

The Speaker addressed the House, as follows:

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:—The time having arrived when, by your decision, this body will adjourn *sine die*, the obligations which you have placed me under, while presiding over your deliberations, will not permit me to declare this House adjourned, without first expressing to you my sincere thanks for the uniform respect and courtesy extended toward me, and for your kind assistance and forbearance during the session, which has done much to lighten my duties and responsibilities. Unaccustomed as I was to preside over a deliberate body, I entered upon the duties assigned me by your partiality, and if I have failed to discharge those duties to your satisfaction, I trust you will be charitable enough to attribute such mistakes to errors of judgment, rather than to intentional wrong.

GENTLEMEN—Your untiring efforts to serve your constituents, cannot but meet their approbation; if not, you will, I hope, have the approval of a clear conscience, believing as I do, that it has been your constant aim to serve them and the Territory faithfully. The business that has been transacted is important, and will, I trust, permanently benefit the country.

The conflicting interests of the different sections of the Territory have divided members while those subjects were under debate, yet the discussions have been conducted with that manly fairness which

reflects credit upon the members of this House; and nothing, I am happy to say, has occurred (with a few unfortunate exceptions) to destroy the friendship, or to mar the good feeling that has existed in our midst, the remembrance of which, I hope may live with you all.

For the many acts of kindness you have shown me, allow me to wish you all a safe return to your families and friends. I now declare this House adjourned *sine die*.

N. H. GATES,
Speaker of the House.

I certify that the foregoing is a true and correct copy of the journal of the House of Representatives of Oregon Territory, for Saturday, January 22, 1859.

JAMES M. PYLE,
Chief Clerk House of Representatives.

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APPENDIX.

DOCUMENTS ACCOMPANYING

GOVERNOR'S MESSAGE.

DEPARTMENT OF THE INTERIOR,
June 17th, 1858.

SIR:—I have the honor to enclose herewith a copy of a resolution adopted on the 13th ult. by the House of Representatives, calling upon this Department for information in respect to certain public buildings required for the accommodation of the Territorial officers of the United States, and to request that you will be pleased, at your earliest convenience, to furnish me with so much of the information as is called for in the third specification thereof. You will also oblige me by supplying such other information, as may, in your opinion, be calculated to aid me in responding to the resolution, as far as relates to your Territory, having respect to the building materials most convenient, and best adapted to the purposes named, price of labor, &c., &c.

Very respectfully,
Your obedient servant,
(Signed) J. THOMPSON,
Secretary.

HON. GEO. L. CURRY,
Governor of Oregon,
SALEM, Oregon.

THIRTY-FIFTH CONGRESS,
FIRST SESSION,
May 13*th*, 1558.

On motion of Mr. Branch,

Resolved, That the Secretary of the Interior cause to be prepared, and submit to this House,

1st. A plan for a building suitable for the accommodation of the Executive officers and Legislature of one of the Territories; with detailed estimates of cost, taking as the basis of his estimates the average prices of labor and materials in the States.

2d. A plan for Jail or Public Prison, with similar estimates of costs.

3d. That he procure from the Governors of the several Territories in which public buildings have been commenced and are yet unfinished, on which the appropriations already made are insufficient to finish, information as to the size and materials of each of said buildings, how much has been expended, and how much money will be needed to complete it, and to lay said information before the House at the earliest practicable time.

Attest: J. C. ALLEN,
Clerk.

TERRITORY OF OREGON
EXECUTIVE OFFICE,
Salem, Sept. 13*th*, 1858.

HON. J. THOMPSON,
Secretary of the Interior,
WASHINGTON, D. C.

SIR:—In reply to your communication of the 17th June last, requesting information to enable you to respond to a resolution of the House of Representatives, "in respect to certain public buildings required for the accommodation of the Territorial officers of the United States," I beg to say, that the Capitol building of this Territory, while in course of erection, and after an expenditure of thirty-three thousand five hundred and ninety-five dollars and seventy-four cents ($33,595 74), was entirely destroyed by fire in December, 1855. The foundation was designed for a stone superstruc-

ture, and cost $9,213 87. However, with the idea of economy, as it was judged, and to keep within the appropriations to pay for the work, the material was changed by the Legislative Assembly from stone to wood, after the foundation had been built. Eighteen thousand four hundred and forty-four dollars and twenty-six cents of the moneys appropriated for the construction of the building remain unexpended and in the Treasury of the United States.

In view of the fact that, by the calamity referred to, the Territory is destitute of a public building for legislative and executive uses, and in consideration of the large amount of the appropriation that thereby was not applied to the purpose for which it was intended, I would respectfully suggest the expediency of recommending an additional appropriation of twelve thousand dollars, or in other words, that the sum of thirty thousand dollars be appropriated for erection of another building, at such place as may hereafter be determined upon as the seat of government of the territory, by the people thereof. As the appropriation asked for would not be sufficient to erect a stone building, the material then next best adapted for the superstructure would be bricks,—the cost of which varies from ten to fifteen dollars per thousand.

A building for the purposes of a penitentiary was undertaken several years since, one wing of which is so far completed as to be of some service to the territory, and the moneys appropriated for its construction, to wit: ($60,000) sixty thousand dollars have been expended. The outer walls are built of brick and the cells of stone. A further appropriation of forty thousand dollars, judiciously applied, would fully complete the structure, and make it of permanent use and value. In length, the building is one hundred and fifteen feet, in width fifty feet, and in height twenty-nine feet. The area is designed for sixty cells, a few of which only are completed, otherwise the building is finished.

Labor pertaining to building and building materials generally, are from two to three-fold the price which they usually command in the Atlantic States.

I am, very respectfully,

Your obedient serv't,

(Signed) GEO. L. CURRY,

Governor of Oregon.

OFFICE OF THE COMMISSION ON INDIAN WAR EXPENSES,
IN OREGON AND WASHINGTON TERRITORIES,
Fort Vancouver, W. T., August 25th, 1858.

SIR:—The Commission heretofore appointed and acting under authority of the War Department relative to the expenses of the Territorial governments of Oregon and Washington, necessarily incurred in the suppression of Indian hostilities in the late Indian war in said Territories, having under date of October 10th, 1857, transmitted to your office their principal report in the premises, herewith submit a supplementary report, touching subject matters within the purview of, but not included in their former action.

The Abstracts and accompanying vouchers of Quartermaster General, Joseph W. Drew, of the Oregon Volunteers, referred to in our former report, as at that time in an unfinished State, and included in the general Abstract of the Commission, "Oregon Expenses" as an "approximate estimate," have been completed and acted upon and are herewith forwarded.

An additional Abstract and vouchers of Quartermaster General W. W. Miller, of Washington Territory, containing a few miscellaneous claims growing out of the volunteer service in that Territory, not taken up on any former papers, are also herewith transmitted.

These claims are similar in character to those heretofore submitted, and the action of the commission upon them, has been the same, as upon those before reported.

It will be observed, that the amount of these claims, does not materially vary from the estimate included in our former report.

A portion only of the bills and abstracts of the sales of public property, referred to in our former report, was at that time forwarded.

Other papers, properly endorsed, making the returns in this particular complete, are herewith accompanying.

The sum total of the sales of public property remaining on hand in Oregon at the close of the war, made to claimants, and accounted for by way of a cancellation of so much of their claims, was, one hundred eighty-nine thousand, three hundred and seventy-seven dollars and sixty-seven cents ($189,377 67.)

Near the close of the service, the material resources of the Territory had become so much exhausted, and her credit so much depre-

ciated on account of her heavy liabilities, that it was deemed a measure of public economy to negotiate for property and personal services necessary to terminate the war, by pledging immediate cash payments. Consequently, a portion of the public property referred to, was sold for cash, to meet such payments.

The total amount of money made from these sales, was seventy-eight thousand, six hundred and fifty-six dollars and forty-nine and and three-fourths cents ($78, 656 49 3-4,) as per consolidated statement herewith accompanying.

Of this sum, Joseph W. Drew, Quartermaster General, received from sales made by him, and from other officers, thirty-five thousand five hundred and ninety-three dollars and fifty-one and one half cents ($35, 503 51 1-2,) which has been disbursed or accounted for by him, as exhibited by his accounts current, and accompanying vouchers herewith submitted.

The balance, forty-three thousand, sixty-two dollars, and ninety-eight and one-fourth cents, ($43,062 98 1-4,) has been disbursed or accounted for, by other officers of the service, as shown by the accounts of those officers accompanying.

These expenditures of money have been examined and approved in detail by the Commission. They seem to have been made with more than ordinary carefulness, and with an eye to public economy.

In case of each of the disbursing officers referred to, there is, on the finally adjusted accounts current, a balance found due the Territory, which is reported as money remaining in the hands of the officers. These balances in most cases, have been actually expended by such officers for their personal contingencies while employed in the military service, but for expenses which within strict military keeping, it is not the policy or custom for the government to reimburse. The amounts thereof, as they generally bear but a small proportion to the pay awarded such officers, are recommended to be estopped against so much of such pay so awarded.

The consolidated statement hereinbefore referred to, exhibits a succinct account of the amounts of pay awarded these officers, the amounts of money they have severally received from sales of public property; and the amounts reported on hand and recommended to be estopped against such pay.

Forwarded also herewith, is an explanatory report of Joseph W.

Drew, Quartermaster General referring in detail to the exigencies of the public service, during the late Indian war, touching the administration of the several departments of the same.

The other papers forwarded with this report, exhibit the use and expenditure of the public property, administered by the officers receiving the same.

In general, the public property purchased or received into the service, has been accounted for, in a regular and proper manner. But the accounts of a few officers who have not been in the two Territories since the appointment of the Commission, are presented in a condition somewhat unsatisfactory. These are cases of subordinate officers of the Commissary Department acting in the field. Under the circumstances, the irregularities of their accounts, are no evidence of bad faith.

In some instances the issues of subsistence have exceeded the allowance of the army ration, but in others they have fallen considerably short, so that in the aggregate, these issues are within the allowances of subsistence to regular troops.

The accompanying report of the expenses of the Commission, exhibits a full and final statement of the disbursements and liabilities of the Board to the present date, to which reference may be had for full information relative to this subject.

Hoping that the action of the Commission will be received and approved as a finality in the premises.

We have the honor, sir, to be,

Your most obedient servants,

(Signed) RUFUS INGALLS, U. S. A.

LAFAYETTE GROVER,

Commissioners.

Hon. John B. Floyd, Secretary of War.

Adjutant General's Office,
Salem, O. T., Dec. 6, 1858.

Sir:—I have the honor to submit a statement of the operations of the volunteer company, called the "Gold Beach Guards," which was organized on the 18th day of March, 1858, for the protection

of the citizens of Curry County against the hostilities of certain Indians in that section of the territory.

The Company was enrolled March 13, 1858, under Capt. E. H. Meservey, and disbanded July 2, 1858. The following is a schedule of the number of days service as reported to this office:

1 Captain			111 days,
2 Lieutenants	111 days each		222 "
5 Privates	111 " "		555 "
6 "	74 " "		444 "
1 "			62 "
1 "			24 "
1 "	(Acting Com. & Quarter Master)		74 "
Whole number of days service			1492

The Commissary and Quarter Master's expenses, incurred by and on account of the Company, are

For amount of Com. stores and camp equipage $323 04

For the service of 13 animals from May 11 to July 2, 1858, 52 days each 676 days,

For the service of 2 animals from May 14 to July 2, 1858, 49 days each 98 "

The losses reported are for the following horses, killed and equipages, which together with a horse used for camp, were destroyed by the Indians at Pistol River, April 30, 1858, while the main body of the volunteers was scouting in the vicinity, viz:

For 4 horses, valued at $100 each, - -	$400 00
" 1 horse " " -	150 00
" 6 equipages - -	165 00
total losses	$715 00

I herewith transmit copies of reports from Capt. E. H. Meservey, commanding the company.

Very respectfully, your ob't serv't,

E. M. BARNUM,

Adjt. Gen.

His Excellency,

GEO. L. CURRY,

Governor of Oregon Territory.

Gold Beach, O. T.,
May 21, 1858.

"To the Adjutant General,
Salem, O. T.

Sir:—By order of His Excellency, Geo. L. Curry, I have the honor to forward to you the Muster Roll of the volunteer company, entitled the "Gold Beach Guards." This company has been called *into* existence through the alarming and hostile attitude of the Indians that have been suffered to remain in this county since the conclusion of the war. As you observe by the roll, we have suffered some losses while upon scouting excursions, but they were unavoidable. The Indians remaining here are among the most blood-thirsty and cunning—with no superannuated men or old women to impede their movements: their operations are quick, and the blow struck where least expected. * * * Our supplies have been drawn, thus far, by voluntary subscription on the part of the citizens, which should be refunded by the Territory as early as practicable. * * * * * * *

Very respectfully,
E. H. MESERVEY,
Capt. commanding."

Gold Beach, July 2, 1858.

"To the Adjutant General,
Office at Salem, O. T.

Sir:—I have the honor of forwarding to your office my final Muster Roll for the "Gold Beach Guards," recognized in the service of the Territory of Oregon by His Excellency Gov. Geo. L. Curry. As you observe, I disbanded my company on the 2d day of July. The last of the Indians have been captured or shot; only women and children spared, and they are en route for the reserve. All further apprehension of danger is at an end, and this portion of Oregon will rest in tranquility. The total expenses will be but small—supplies costing only some three hundred and twenty-three dollars. This is owing to the liberality of the citizens of Curry Coun-

ty in contributing gratuitously. I hope that a speedy action may be had, that those who have served and furnished assistance may be compensated. * *

Very respectfully,

E. H. MESERVEY,

Capt. Commanding 'Gold Beach Guards.'"

AUDITOR'S REPORT.

TERRITORIAL AUDITOR'S OFFICE,
Salem, O. T., Dec. 7, 1858.

To the Honorable the Legislative Assembly
Of the Territory of Oregon :

I herewith transmit to you, as required by law, my annual report of the financial condition of the Territory for the fiscal year ending Dec. 7th, 1858.

The Treasurers of the following named counties have paid into the Territorial Treasury since my last annual report as follows:

From Benton County,	- - - - -	$1,390 61
" Clackamas "	- - - -	1,298 37
" Clatsop "	- - - -	207 72
" Columbia "	- - - -	207 50
" Curry "	- - - -	79 12
" Coos "	- - - -	63 25
" Douglas "	- - - -	81 75
" Jackson "	- - - -	1,566 87
" Josephine "	- - - -	362 75
" Lane "	- - - -	2,010 36
" Linn "	- - - -	2,940 95
" Marion "	- - - -	2,392 00
" Multn'mah "	- - - -	1,961 86
" Polk "	- - - -	3,570 62
" Tillamook "	- - - -	55 93
" Umpqua "	- - - -	424 17
" Wash'gt'n "	- - - -	845 00
" Wasco "	- - - -	
" Yamhill "	- - - -	1,477 74
Total	- - -	$20,936 57

Amount in hands of Territorial Treasurer at commencement of last fiscal year, - -	$2,117 40
Total sum charged to Treasurer, -	$23,053 97

The counties of Multnomah and Wasco are delinquent in their revenue for 1858, and their accounts have been placed in the hands of the Prosecuting Attorney of the 2d Judicial District for collection.

The county of Josephine levied no property tax for 1857, relying, as I have been informed, on the sale of Chinamen Licenses to defray the expenses of the county, and to pay their territorial revenue; none of which has been paid during this year, except $362,75 of the Chinaman tax due. Having no assessment roll, I could make no charge against said county for 1857, and would recommend some legislative action, as a guide to the Territorial Auditor in the premises.

Warrants which have been issued from this office during the last fiscal year, are as follows:

1857.	No.		AMOUNT.
Dec. 8	122	Isaac L. Hensley, for services in reclaiming fugitive from justice in State of California, as per certificate of Governor,	$ 405 00
" 10	123	D. T. Craig, Sheriff of Douglas Co., for services in conveying convict to Penitentiary,	343 50
" 15	124	Wm. McMillen, Sheriff of Multnomah Co., for services in conveying four convicts to Penitentiary,	17 20
" 19	125	Ahio S. Watt, for services as University Land Commissioner,	100 00
1858.			
Jan. 1	126	Geo. K. Sheil, for services as Prosecuting Attorney of 1st Judicial District, for half year, ending January 1st, 1858,	250 00

1858.	No.		AMOUNT.
Jan. 4	127	Wm. L. McEwan, Prosecuting Attorney of 2d Judicial District for half year's salary, ending December 31st, 1857,	$ 250 00
" 4	128	B. F. Bonham, for services as Territorial Auditor from Oct. 1st, 1857 to Jan. 1st, 1858, and for increase of salary from Dec. 11th, 1856 to Jan. 1st, 1857,	136 00
" 6	129	J. H. Lewis, Treasurer of Polk Co., as his commission on Territorial tax of said Co. for 1857,	102 14
" 13	130	Jacob Hoover, Treasurer of Washingington Co., as his commission on Territorial tax of said Co. for 1857,	33 80
" 13	131	John Smith, Sheriff of Linn Co., for services in conveying two convicts to Penitentiary,	115 00
" 14	132	R. E. Stratton, Prosecuting Atty. of 3d Judicial District, for half year's salary, ending Jan 1st, 1858,	150 00
" 25	133	Wm. Tichenor, for services as Pilot Commissioner, for year ending Jan. 1st, 1858,	125 00
" 27	134	D. Linn, Treasurer of Jackson Co., as his commission on Territorial tax of said county for 1857,	58 21
" 27	135	Thos. Pyle, Sheriff of Jackson Co., as per act of Legislative Assembly passed Jan. 5th, 1858,	500 00
" 27	136	A. M. Berry, as per act of Legislative Assembly passed January 22, 1858,	35 00
" 28	137	Hugh D. O'Bryant, as per act of Legislative Assembly passed Jan. 22, 1858,	35 00

1858.	No.		AMOUNT.
Jan. 28	138	N. H. Crane, as per act of Legislative Assembly, passed Jan. 22d, 1858,	$ 35 00
Feb. 1	139	Joseph Sloan, for services as Superintendent of Penitentiary for quarter ending Feb. 1st, 1858,	250 00
" 1	140	C. A. Pickett, for services as keeper of Penitentiary, for quarter ending Feb. 1st, 1858,	150 00
" 1	141	C. A. Pickett, keeper of Penitentiary for expenses in boarding convicts for quarter ending Feb. 1, 1858,	883 42
" 1	142	Wm. McMillen, Sheriff of Multnomah Co., for services in conveying two convicts to the Penitentiary,	8 60
" 1	143	C. A. Pickett, for bedding, clothing, &c., furnished penitentiary convicts,	137 43
" 4	144	Wm. L. White, as per act of Legislative Assembly, passed February 3d, 1858,	62 00
" 5	145	R. E. Stratton, Prosecuting Attorney of 3d Judicial District, as his commission for prosecuting claim of Territory against Douglas Co.,	58 19
" 5	146	H. H. Ellis, for services in reclaiming J. H. Knox, a fugitive from justice, as per certificate of Gov.,	455 00
" 8	147	James Hendershott, Sheriff of Josephine Co., as per act of Legislative Assembly, passed January 11th, 1858,	50 00
" 8	148	A. Purdy, Treasurer of Marion Co., as his commission on Territorial tax of said county for 1857,	91 98
" 9	149	T. J. Dryer, as per act of Legislative Assembly passed Feb. 3, 1828,	76 75

1858.	No.		Amount.
Feb. 9	150	B. F. Bonham, as per act of Legislative Assembly passed Feb. 3, 1858,	$ 15 00
" 9	151	Treasurer of Benton Co., as his commission on Territorial tax of said county for 1857,	55 62
" 10	152	Asahel Bush, as per act of Legislative Assembly passed Feb. 3, 1858,	141 00
" 10	153	Asahel Bush, as per act of Legislative Assembly passed Feb. 3, 1858,	36 00
" 11	154	W. S. Barker, as per act of Legislative Assembly passed Feb. 3, 1858,	63 50
" 13	155	Wm. J. Beggs, as per act of Legislative Assembly passed Feb. 3, 1858,	9 00
" 17	156	J. B. & M. Hirsch, as per act of Legislative Assembly, passed February 3d, 1858,	12 50
" 17	157	W. K. Smith & Co., as per act of Legislative Assembly, passed Feb. 3d, 1858,	81 15
" 20	158	Treasurer of Jackson Co., as his commission on Chinamen tax for 1857,	4 45
M'ch 5	159	Roberts & Shartle, as per act of Legislative Assembly, passed January 26th, 1858,	108 00
" 8	160	W. G. T'Vault, Prosecuting Attorney of 3d Judicial District, for annual salary ending January 1st, 1858,	300 00
" 8	161	W. G. T'Vault, as per act of Legislative Assembly, passed February 3d, 1858,	60 00
" 15	162	Joseph Sloan, for pistols and furniture for use of Penitentiary,	134 50
" 15	163	R. B. Wilson, M. D., as per act of Legislative Assembly passed Feb. 3d, 1858,	25 00

1858.	No.		Amount.
M'ch 17	164	John Smith, Sheriff of Linn Co., as per act of Legislative Assembly, passed Jan. 26th, 1858,	$ 58 00
" 20	165	D. T. Craig, Sheriff of Douglas Co., for services in conveying convict (James Jones) to Penitentiary,	250 50
" 20	166	George Flavel, for services as Pilot Commissioner for the year ending Jan. 1st, 1858,	125 00
April 1	167	B. F. Bonham, for services as Territorial Auditor, for quarter ending April 1st, 1858,	125 00
" 24	168	Isaac L. Hensley, for services in attempting to reclaim fugitives from justice, as per certificate of Gov.,	171 25
" 27	169	F. S. Hoyt, as per act of Legislative Assembly passed Feb. 8, 1858,	10 00
May 5	170	Joseph Sloan, for services as Supt. of Penitentiary for quarter ending May 1st, 1858,	250 00
" 5	171	C. A. Picket, for services as Keeper of Penitentiary for quarter ending May 1st, 1858,	150 00
" 5	172	C. A. Picket, for boarding penitentiary convicts during quarter ending May 1st, 1858,	920 42
" 5	173	F. M. Lichtenthaler, for services as Assistant Keeper of Penitentiary during quarter ending May 1st, 1858,	150 00
" 5	174	Archie Fuqua, for services as guard of Penitentiary from Feb. 9th to May 1st, 1858,	183 33
M'ch 22	175	Thos. Pyle, Sheriff of Jackson Co., for services in conveying two convicts (A. J. Owens and C. Walker) to Penitentiary,	666 00

1858.	No.		Amount.
July 1	176	B. F. Benham, for services as Territorial Auditor during quarter ending July 1st, 1858,	$ 125 00
" 2	177	Chs. K. Shell, for services as Prosecuting Attorney of 1st judicial dist: for half year ending July 1st, 1858,	250 00
" 7	178	W. G. T'Vault, for services as Prosecuting Attorney of 3d judicial district for half year ending July 1st, 1858,	150 00
" 9	179	Wm. L. McEwen, for services as Prosecuting Attorney of 2d judicial district, for half year ending July 1st, 1858,	250 00
" 13	180	R. E. Stratton, for services as Prosecuting Attorney of 3d judicial district, for half year ending July 1st, 1858,	150 00
" 20	181	B. F. Harding, for services in distributing the laws and journals of the 9th session of the Legislative Assembly,	100 00
Aug. 2	182	Joseph Sloan, for services as Superintendent of Penitentiary for quarter ending August 1st, 1858,	250 00
" 2	183	C. A. Pickett, for services as keeper of Penitentiary for quarter ending August 1st, 1858,	150 00
" 2	184	F. M. Lechtenthaler, for services as assistant keeper of Penitentiary for quarter ending Aug. 1st, 1858,	150 00
" 2	185	Archie Fuqua, for services as guard of Penitentiary for quarter ending August 1st, 1858,	150 00
" 2	186	C. A. Pickett, for boarding Penitentiary convicts for quarter ending August 1st, 1858,	917 70

1858.	No.		AMOUNT
Aug 16	187	H. S. Jacobs & Co., as per award of Hon. Geo. H. Williams, Penitentiary Claim Commissioner,	$1300 00
" 16	188	A. B. Halleck, as per award of Hon. Geo. H. Williams, Penitentiary Claim Commissioner,	[illegible]
" 16	189	Wm. M. King, as per award of Hon. Geo. H. Williams, Penitentiary Claim Commissioner,	1077 00
" 19	190	Wm. H. Frush, as per award of Hon. Geo. H. Williams, Penitentiary Claim Commissioner,	[illegible]
" 30	191	Hon. Geo. H. Williams, for services as Penitentiary Claim Commissioner,	100 00
Sept. 20	192	John Fullerton, Sheriff of Douglas Co., for services in conveying two convicts to Penitentiary,	302 00
" 22	193	N. A. Cornoyer, Sheriff of Marion Co., for services in conveying two convicts to Penitentiary,	84 40
Oct. 1	194	B. F. Bonham, for services as Territorial Auditor for quarter ending October 1st, 1858,	125 00
Nov. 1	195	L. J. C. Duncan, Sheriff of Jackson Co., for services in conveying three convicts to Penitentiary,	385 00
" 15	196	A. Purdy, Treasurer of Marion Co., as his commission on the Territorial tax of said county for 1858,	98 00
" 17	197	John Fullerton, Sheriff of Douglas Co., for services in conveying two convicts to the Penitentiary,	400 00
		Total,	$18,084 76

ESTIMATE OF REVENUE FOR NEXT FISCAL YEAR.

No.		AMOUNT.
1	Benton County,	$ 1,799 10
2	Clackamas "	1,947 18
3	Clatsop "	218 51
4	Columbia "	199 84
5	Coos "	118 25
6	Curry "	81 36
7	Douglas "	1,377 49
8	Jackson "	1,278 46
9	Josephine "	313 85
10	Lane "	2,246 41
11	Linn "	2,675 24
12	Marion "	2,300 00
13	Multnomah "	2,527 16
14	Polk "	2,217 06
15	Tillamook "	43 15
16	Umpqua "	505 82
17	Wasco "	472 13
18	Wash'gton "	1,019 80
19	Yamhill "	1,483 23
	Total	$ 22,824 04

In addition to the above, there will probably arise from Chinese Licenses from $ 1,000 to $ 1,500; but accuracy cannot be attained in the estimate of this source of revenue, on account of the insufficiency of the reports of County Auditors for this year. Such reports should consist of a certified statement under seal, appended to the assessment roll of each year, showing the total amount of revenue paid into the County Treasury from this source between the first Mondays of September annually. It is to be hoped that hereafter County Auditors in the mining districts will comply with the foregoing suggestions.

The total amount of taxable property in the Territory for the year 1858, as returned to this office, is $22,824,118, it being a fraction over 24 per cent. increase on the amount returned last year.

ESTIMATE OF EXPENDITURES FOR NEXT FISCAL YEAR.

Salaries of two pilot commissioners,	$ 250 00
" " prosecuting attorneys,	1,600 00
Expenses of treasury department,	1,600 00
" " penitentiary,	7,280 00
Total,	$10,730 00

It is impossible to calculate, with any degree of accuracy, the entire expenditures of the Territory for any succeeding year, owing to the fact that near one-half of those expenditures depends on contingencies which cannot be foreseen.

AMOUNT OF APPROPRIATIONS PASSED BY LEGISLATIVE ASSEMBLY OF 1857–'58.

Relief of	A. Bush,	$ 36 00
"	T. J. Dryer,	76 75
"	certain creditors of the Territory,	427 65
"	James Hendershott,	50 00
"	Wm. M. King, et al.,	3,832 16
"	H. D. O'Bryant et al.,	210 00
"	Thomas Pyle,	500 00
"	Roberts & Shartle,	108 00
"	John Smith,	58 00
"	Wm. L. White,	62 00
	Total,	$5,360 56

Warrants have been issued to all the claimants under the foregoing appropriations, with the exception of two or three for small sums not exceeding an aggregate of $150.

A FULL AND DETAILED STATEMENT OF THE PUBLIC DEBT.

Under this head, it affords me satisfaction to be able to state, that although the disbursements of the past year have been unusually large on account of the amount of the appropriations of the last Legislative Assembly, and the expenses of conveying to and

maintaining in the Penitentiary the rapidly increasing number of convicts; yet our Territory is out of debt, and there is subject to appropriation in the Treasury the sum of $4,556 26.

RECAPITULATION.

Amount remaining in Treasury at commencement of past fiscal year,	$ 2,117 40
Amount received in Treasury during past fiscal year,	20,936 57
Amount charged to Treasurer,	$ 23,053 97
Amount paid out during said time, including interest on warrants,	18,497 71
Balance in hands of Treasurer Dec. 7, 1858,	4,556 26

As required by sec. 8 of chapter 3d of the "Act to regulate the Treasury Department," page 455 of revised statutes, I hereby report and recommend to your favorable consideration the following claims, to wit:

R. B. Wilson, M. D.,	(marked	A)	$ 75 00
Lakin & Campbell,	"	B	196 80
Smith & Davis,	"	C	43 50
Lakin & Campbell,	"	D	189 55
Davis & Monastes,	"	E	63 45
Roberts & Shartle,	"	F	100 00
A. Bush,	"	G	114 00
B. F. Bonham,	"	H	38 86
Carter & Austin,	"	I	87 00
Smith & Davis,	"	J	20 75
Smith & Davis,	"	K	81 00
Smith & Davis,	"	L	16 75
Lakin & Campbell,	"	M	175 08
Lakin & Campbell,	"	N	263 21
R. B. Wilson, M. D.,	"	O	25 00
Davis & Monastes,	"	P	42 50
Seymour & Johns,	"	Q	178 00
A. D. Field & Co.,	"	R	187 00

F. M. Arnold,	(marked S)	$ 385 00
F. M. Lichtenthaler,	T	150 00
Wm. S. Barker,	U	17 55
C. N. Terry,	V	99 50
W. K. Smith & Co.,	W	58 20
Total,		$ 2,421 66

I have given the foregoing claims a careful investigation, and as far as I have been able to judge, they are just and reasonable.

The claims of W. S. Barker, W. K. Smith & Co., and myself, amounting in the aggregate to $115 21, constitute the incidental expenses of the Auditor's and Librarian's offices for the past year.

The claim of F. M. Arnold, for $385 00, was presented to me to be audited, but by a provision of the Statute regulating the duties of the Auditor of Public Accounts, I could not audit the same because it was not presented within two years from the time the claim accrued, hence the necessity of an appropriation.

The claim of F. M. Lichtenthaler, of $150 00, for services as assistant keeper of the Penitentiary, is based, as I am informed by the Superintendent of the Penitentiary, upon the absolute necessity for assistance further than was provided for by law.

The claims of Carter & Austin and A. Bush, for advertising, I believe do not exceed their advertised rates for such service.

The greater number of the other foregoing claims, are for shackles, balls and chains, clothing, medical attendance and medicines, &c., furnished the Superintendent of the Penitentiary for the use of the convicts.

I would recommend the appropriation, in advance, of a sum which might be at the disposal of the Superintendent of the Penitentiary, sufficient to defray the incidental expenses of the same for the ensuing year, as I am informed by the Superintendent that purchases could be made much more advantageously to the Territory for cash, than they can be on credit.

The statute requires the Auditor of the Territory to suggest in

his annual report any plans or amendments to the laws relating to the fiscal affairs of the Territory which may occur to him; but, as I occupy a seat in the present Legislative Assembly, I shall decline to make any such recommendations in my report; and shall personally, at all times, be ready to answer any inquiries which members may be pleased to make, touching the financial affairs of the Territory, to the extent of my knowledge of the same.

Respectfully submitted,

B. F. BONHAM,

Territorial Auditor.

ACCOUNTS ACCOMPANYING

THE

AUDITOR'S REPORT.

(A.)

PORTLAND, O. T., *February* 1, 1858

Territory of Oregon,

To R. B. WILSON, M. D., Dr.

For professional attendance to Convicts in the Penitentiary at Portland, from Nov. 1st, 1857, to date as follows:

1857.		AMOUNT.
Nov. 15	Visit and prescribing to Kanaka Jim,	$ 5 00
" 17	" " " " Eades,	5 00
" 18	" " " " "	5 00
" 19	" " " " "	5 00
" 20	" " " " "	5 00
" 21	" " " " "	5 00
" 24	" " &c. to Kanaka Jim,	5 00
" 25	" " surgical operation " "	25 00
Dec. 5	" " prescribing to Kanaka Jim,	5 00
" 10	" " " " Stewart,	5 00
" 18	" " " " Livingston,	5 00
	Total,	$ 75 00

A. H. J.—4

TERRITORY OF OREGON, }
Multnomah County, } ss.

R. B. Wilson being first duly sworn, says that the foregoing bill is just and correct; that the services were actually rendered, and that he has not received payment of the same, or any part thereof.

R. B. WILSON.

Subscribed and sworn to before me this 27th day of Jan'y, 1858.

JAS. W. DAVIS,
Clerk of 2d Judicial District Court, O. T.

Approved January 30th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(B.)

PORTLAND, *February*, 1857.

Territory of Oregon,
Per C. A. PICKETT,
In account with LAKIN & CAMPBELL.

1857.				AMOUNT.
Feb. 9	To	1 1-2 doz.	wool over-shirts, at $24,	$ 36 00
" 20	"	1 lb.	patent thread,	2 00
" "	"	1	razor strop and razor,	8 00
" 27	"	1 1-2 doz.	hickory shirts, at $9,	18 50
M'ch 3	"	6	balls candle wicking,	1 20
" 5	"	3	corn brooms, at 62 cts.,	1 87
" 13	"	1	box soap,	2 50
" 19	"	12 lbs.	nails, " 12 cts	1 50
" 22	"	10	padlocks, " $1 25	12 50
	"	50 lbs.	nails, " 10 cts.,	5 00
" 25	"	12 "	"	1 50
" 26	"	11	pairs grey blankets, at $2 25	25 75

1857.				AMOUNT.
M'ch 26	" 2	p'c's br. muslin, 70 3-4 yds, at 13 c.		9 20
" "	" 1	" bed ticking, 48 1-2 " a 16 2-3 c.		8 04
" "	" 6	pairs grey satinet pants, at $3 25		19 50
" "	"	drayage,		1 00
" 27	" 1-2	doz. half gal. tin cups,		6 00
" "	" 1	" tin plates,		3 00
	" 1-2	" wooden buckets, at $9 00,		4 50
	" 1	" table knives and forks,		4 00
	" 33	yds. br. muslin, at 13 cts.,		4 29
Apr. 6	" 12	lbs. nails, " 10 "		1 20
" 12	" 4	axe handles, " 75 "		3 00
" 17	" 4 1-3	lbs. rope, " 40 "		1 75
" 24	" 6	prs. men's heavy brogans, at $2 50		15 00
		Total,		$196 80

TERRITORY OF OREGON, }
Multnomah County, } ss.

Personally appeared Thomas N. Lakin, and being duly sworn, says the above account is just and correct; that the goods were actually furnished to C. A. Pickett; that the same nor no part thereof has been paid, but is still entirely due.

THOS. N. LAKIN.

Subscribed and sworn to before me this 1st day of May, 1858.

JAS. W. DAVIS,
Clerk of District Court.

Approved May 1st, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(C.)

PORTLAND, *February* 1, 1858.

Territory of Oregon,

To SMITH & DAVIS, DR.

1857.		AMOUNT.
Nov. 4	2 bottles Mustang liniment,	$ 1 00
" 4	1 pound copperas,	50
" 16	1 recipe,	2 00
" 16	1 recipe, (Eades,)	6 00
" 16	sundries,	2 50
" 18	ointment, (Kanaka,)	10 00
" 20	1 recipe,	1 25
Dec. 5	sundries, (Jim,)	6 00
" 10	2 recipes,	1 50
" 18	1 bottle alcohol,	75
" 26	1 recipe, (ointment,)	10 00
" 26	1 box pills,	50
Jan. 8	1 bottle Expectorant,	1 50
	Total,	$43 50

TERRITORY OF OREGON, }
Multnomah County, } ss.

Personally appeared Thomas A. Davis, who after being first duly sworn, says that the above account is just and due, and that there are no legal offsets to it to my knowledge.

THOMAS A. DAVIS.

Subscribed and sworn to before me this 29th day of January, 1858.

ANTHONY L. DAVIS,
Justice of the Peace.

Approved January 30th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(D.)

Territory of Oregon,

Per C. A. PICKETT,

To LAKIN & CAMPBELL, Dr.

1858.		AMOUNT.
May 3	To 8 pr. satinet pants, at $3 25,	$ 26 00
" 3	25 1-2 yds. brown muslin, at 15 cts.,	3 82
" 10	17 yds. calico, at 16 cts.,	2 83
" 10	hooks and eyes,	15
" 10	1 pair men's heavy shoes,	2 50
" 10	5 yards twilled flannel, at 60 cts.,	3 00
" 11	1 box soap, 50 lbs., at 12 cts.,	6 25
" 11	2 bars soap,	1 00
" 11	1-2 doz. pairs men's heavy brogans, at $27,	13 50
" 20	1 doz. men's hickory shirts,	10 50
" 27	6 lbs. nails,	75
" 29	3 corn brooms, at 75 cts.,	2 25
J'ne 16	1 doz. pair satinet pants,	42 00
	1 1-2 doz. men's wool hats, at $18,	27 00
" 19	42 yards brown muslin, at 14 cts.,	5 88
July 2	1 doz. men's heavy brogans,	27 00
	1 doz. hickory shirts,	10 00
" 8	2 bars soap,	75
" 17	3 bars soap,	1 12
" 23	1 box soap,	2 50
" 23	1 wooden pail,	75
	Total,	$189 55

TERRITORY OF OREGON, }
Multnomah County, } ss.

Thomas N. Lakin, one of the above firm, being duly sworn, says that the above account is just and correct; that the articles of merchandise were actually furnished, and that the same nor no part thereof has been paid.

T. N. LAKIN.

Subscribed and sworn to before me this 30th day of July, 1858.

JAS. W. DAVIS,
Clerk of District Court.

Approved August 2d, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(E.)

PORTLAND, *Nov.* 28, 1857.

Territory of Oregon,

To DAVIS & MONASTES, Dr.

1857.		AMOUNT.
Oct. 10	To 8 nuts and 4 setts staples and nuts,	$ 4 75
" "	5 convict balls, 135 lbs., at 16 cts.,	21 60
Nov. 9	5 prs. shackles, " $6 1-4,	31 25
Dec. 10	2 convict balls, 60 lbs., " 16 cts.,	9 60
" "	2 staples,	1 00
	Total,	$ 68 20

Received payment by draft on Treasury,

DAVIS & MONASTES.

Subscribed and sworn to before me this 10th day of Dec., 1857.

WILLIAM BECK,
Justice of the Peace.

Approved January 30th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(F.)

SALEM, *Oct.* 23, 1858.

To HON. B. F. BONHAM,
Auditor of Oregon Territory:

The undersigned, of the commission appointed to carry out the objects specified in a Joint Resolution passed by the Legislative Assembly of the Territory of Oregon at its last session, a copy of which is hereto annexed, respectfully represent, that said commission, acting under the authority of said resolution, did contract with Messrs. Roberts & Shartle, of Portland, for the enclosure of the monument erected to the memory of the Hon. Samuel R. Thurston, in the Salem Cemetery, for the sum of one hundred dollars; that said Roberts & Shartle have enclosed said monument, at their own cost and charges, to the satisfaction and acceptance of said commission; that said Roberts & Shartle have presented the accompanying bill for the services so rendered by them, and that said bill is correct and just, and should be paid.

Respectfully submitted,

A. E. WAIT,
Com. appointed on part of Council.

J. WOODSIDES,
H. M. BROWN,
Com. appointed on part of House.

(G.)

SALEM, O. T., *December* 8, 1858.

Territory of Oregon,

To ASAHEL PUNK, Dr.

1858.		AMOUNT.
Ap'l 13	To 19 insertions of notice of Courts in 1st Judicial District,	$ 15 00
" 13	3 months' insertion of Notice to Claimants, by G. H. Williams, Penitentiary Claim Commissioner,	12 00

1858.		AMOUNT.
J'ne 7	4 insertions of notice concerning distribution of Laws and Journals,	$ 6 00
Aug. 3	3 insertions of writ of election for Yamhill and Clatsop Council District, 2 squares,	10 00
	Insertion of Notice to Contractors, 5 sq., signed "Joseph Sloan, Superintendent of Penitentiary,"	25 00
" 17	4 1-2 months' insertion of notice of courts,	15 00
S'pt 7	7 insertions of writ of election for Umpqua County,	9 00
" 14	7 insertions of notice of Courts, in 1st Judicial District,	9 00
" 21	6 insertions of writ of election for Marion County,	8 00
	8th Volume of Statesman,	5 00
	Total,	$114 00

(E. & O. E.)

(H.)

SALEM, *November* 24, 1858.

Territory of Oregon,

To B. F. BONHAM, DR.

1858.		AMOUNT.
Oct.	To 4 1-2 cords of sawed wood for use of Library,	$26 50
Nov.	To postage paid on official correspondence of Librarian's and Auditor's offices, and on Library papers for past two years,	12 36
		$38 86

(I.)

PORTLAND, O. T., *Dec.* 3, 1858.

Territory of Oregon,

To CARTER & AUSTIN, DR.

1858.		AMOUNT.
Feb. 22	To printing 200 Penitentiary acts and rules, ordered by Jos. Sloan, - - -	$ 14 00
Apr. 1	advertising "notice to contractors," signed Joseph Sloan, Superintendent of Penitentiary, 5 squares, 4 weeks, - -	20 00
June 5	advertisement, "notice to contractors," signed Jos. Sloan, Superintendent of Penitentiary, 5 squares, 9 weeks, - -	40 00
M'ch 20	advertisement, "Pilot Commissioner's notice," signed Samuel T. McKean, 1 square, 3 weeks, - - -	5 00
June 5	adv't, "all persons having claims" &c., signed Geo. H. Williams, Penitentiary Commissioner, 1square, 2 months, - -	8 00
	Total, - - -	$ 87 00

TERRITORY OF OREGON,
Multnomah County, } ss.

Personally appeared W. D. Carter, who, after being first duly sworn, says that the above account is just and due.

W. D. CARTER.

Subscribed and sworn to before me this 30th day of Nov. 1858.

ANTHONY L. DAVIS,
Justice of the Peace.

(J.)

PORTLAND, *July* 31, 1858.

Territory of Oregon,

TO SMITH & DAVIS, DR.

1858.		AMOUNT.
May 17	To 1 lb. chloride lime,	$ 50
" 20	4 recipes,	5 00
" 28	1 bottle cholagogue,	2 00
" "	1 emetic and sugar of lead,	1 00
June 3	1 recipe,	10 00
" 23	1 bottle alcohol,	75
" "	1 " liniment,	50
July 13	1 recipe,	10 00
	Total,	$ 29 75

TERRITORY OF OREGON, }
Multnomah County, } ss.

Personally appeared Thos. A. Davis, who, after being first duly sworn, says that the above account is just and due, and that there are no legal offsets to it to my knowledge.

THOS. A. DAVIS.

Subscribed and sworn to before me this 31st day of July, 1858.

ANTHONY L. DAVIS,
Justice of the Peace.

Approved Aug. 2d, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(K.)

PORTLAND, *July* 31, 1858.

Territory of Oregon,

TO SMITH & DAVIS, DR.

1858.		AMOUNT.
Feb. 15	To 2 pieces Castile soap,	75
" 15	1 recipe,	10 00
" 25	3 recipes,	3 00
Mar 20	1 bottle turpentine,	50
" 26	1 bottle Cholagogue and box pills,	2 25
Ap'l 6	1 bottle castor oil,	1 00
" 12	1 recipe,	10 00
" 12	3 recipes,	3 50
	Total,	$31 00

TERRITORY OF OREGON, *Multnomah County,* } ss.

Personally appeared Thomas A. Davis, who after being first duly sworn, says that the above account is just and due, and that there are no legal offsets to it to my knowledge.

THOS. A. DAVIS.

Subscribed and sworn to before me this 31st day of July, 1858.

ANTHONY L. DAVIS,
Justice of the Peace.

Approved August 2d, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(L.)

PORTLAND, *Sept.* 28, 1858:

Territory of Oregon,

TO SMITH & DAVIS, DR.

1858.		AMOUNT.
	To medicines furnished convicts for the quarter ending October 30th, to-wit:	
Sept. 28	burnt alum,	25
Oct. 6	recipe (Kanaka Jim,)	10 00
" 6	1 bottle liniment,	50
	Total,	$10 75

TERRITORY OF OREGON, }
Multnomah County, } ss.

Personally appeared Thomas A. Davis, who after being first duly sworn, says that the above account is just; that the articles were furnished at reasonable prices, and that the account has not been paid.

THOMAS A. DAVIS.

Subscribed and sworn to before me this 4th day of Dec., 1858.

W. P. DOLAND,
Clerk of District Court.
Per JAS. W. DAVIS,
Deputy for Multnomah Co.

Approved December 8th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(M.)

PORTLAND, *Dec.* 3, 1858.

Territory of Oregon,

Per C. A. PICKETT,

TO LAKIN & CAMPBELL, DR.

1858.			AMOUNT
Nov. 5	To 2 bbls. lime, at $8,		$ 16 00
	drayage,		1 00
	1 piece blue denims, 44 yds., at 18 cts.,		7 92
	1 " brown muslin, 40 1-2 yds., at 15 cts.,		6 07
" 10	6 lbs. candles, at 40 cts.,		2 40
	thread,		75
" 13	1 doz. hickory shirts,		10 00
" 22	1 load straw,		6 00
" 28	1 box soap,		2 50
" 29	1 doz. grey satinet pants,		42 00
" "	5 " pr. socks, at $4,		20 00
" "	2 " hickory shirts, at $10,		20 00
" "	3 pr. ladies wool hose,		3 00
" "	1 " shoes,		2 00
" "	1 " box soap,		2 50
" "	1 piece brown muslin, 39 1-2 yds., at 12 1-2 cts.,		4 94
" "	drayage,		1 00
" "	1 doz. men's heavy brogans,		27 00
	Total,		$ 175 08

TERRITORY OF OREGON, } ss.
Multnomah County, }

John Campbell, one of the partners of the above named firm of Lakin & Campbell, being sworn, says that the above account is correct and true; that the goods were actually furnished to the territory, as charged in the above account.

JOHN CAMPBELL.

Subscribed and sworn to before me this 4th day of December, 1858.

W. W. PAGE,
Notary Public.

Approved December 8th, 1858.

JOSEPH SLOAN,
Supt. of Penitentiary.

(N.)

Territory of Oregon,

Per C. A. PICKETT,

To LAKIN & CAMPBELL, DR.

1858.		AMOUNT.
Aug. 2	To 1 gross matches,	$ 2 00
" 9	1 barrel lime,	7 00
	drayage,	1 00
" 17	1 doz. soap,	3 00
	6 yards muslin, 18 cts.,	1 08
" 19	1 doz. hickory shirts,	9 00
	1 tin pan,	2 00
	2 tin pans,	1 50
	1 doz pair satinet pants,	48 00
" 25	1 doz. table spoons,	1 25
	1 butcher knife,	75
" 28	1 piece brown muslin, 31 yds., at 16 cts.,	5 00
Sept 4	1 doz. grey overshirts,	20 00
" 10	1 doz. hickory shirts,	9 50
	1 box soap,	2 50
" 17	5 lbs. candles, at 50 cts.,	2 50
" 27	1-2 doz. overshirts, at $24,	12 00
	1 doz. hickory shirts,	10 50
	1 doz. satinet pants,	42 00
	1-2 lb. patent thread,	1 00
" 28	1 gross buttons,	1 00

1858.		AMOUNT.
Sept	3 papers tacks,	$ 75
" 29	1 doz. half gallon tin cups,	4 50
" 29	1 doz. plates,	2 50
" 29	2 doz. soup ladles,	1 50
Oct. 5	1 keg 40d nails,	10 00
" 7	2 doz. knives and forks,	5 00
	1 razor,	1 50
" 8	1 doz. men's heavy brogans,	27 00
" 9	3 brooms,	1 88
" 11	12 1-3 lbs. shackle chain,	1 75
" 16	1 box soap,	2 50
	1 cross-cut file,	75
" 29	1-2 doz. grey blankets, at $42,	21 00
	Total,	$263 21

TERRITORY OF OREGON, }
Multnomah County, } ss.

John Campbell being first duly sworn, says that he is one of the above named firm of Lakin & Campbell, and that the above account is correct and true, and that all of said goods were furnished to the Territory as charged.

JOHN CAMPBELL.

Subscribed and sworn to before me this 4th day of Dec., 1858.

W. W. PAGE,
Notary Public.

Approved December 8th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(O.)

PORTLAND, O. T., *Dec.* 1, 1858.

Territory of Oregon,

To R. B. WILSON, M. D., DR.

1858.			AMOUNT.
	For professional attendance to convicts at the Penitentiary, from February 25th to December 1st, 1858, as follows:		
Feb. 25	To visit and prescribing, &c.	to Tubbs,	$ 5 00
Apr. 10	" " " " " "	-	5 00
" "	" " " " " "	Knox, -	5 00
" "	" " " " " "	Charity Lamb, -	5 00
May 20	" " " " " "	Tubbs, -	5 00
" "	" " " " " "	Stewart, -	5 00
Nov. 4	" " " " " "	Hines, - -	5 00
	Total, - - - -		$ 35 00

TERRITORY OF OREGON, }
Multnomah County, } ss.

Personally appeared R. B. Wilson, who, being first duly sworn, says that the above account is just; that the services were rendered at reasonable prices, and that the account has not been paid.

R. B. WILSON.

Subscribed and sworn to before me this 4th day of December, 1858.

W. P. DOLAND,
Clerk of U. S. District Court, 2d Judicial District.

Approved December 8th, 1858.

JOSEPH SLOAN,
Supt. of Penitentiary.

(P.)

PORTLAND, *Dec.* 4, 1858.

Territory of Oregon,

To DAVIS & MONASTES, DR.

1857.		AMOUNT.
Dec. 18.	To 1 shackle,	$ 6 00
	altering one,	2 50
1858.		
Jan. 27.	3 setts shackles and fixtures,	24 00
Feb. 2	2 convict balls, 64 lbs., at 16 cts.,	10 24
	Total,	$42 74

DAVIS & MONASTES.

Subscribed and sworn to before me this 3d day of December, 1858.

WILLIAM BECK,

Justice of the Peace in and for the county of Multnomah.

Approved December 8th, 1858.

JOSEPH SLOAN,

Superintendent of Penitentiary.

(Q.)

PORTLAND, *December* 4, 1858.

Territory of Oregon,

To SEYMOUR & JOYNT, DR.

1858.		AMOUNT.
To 21 1-4 day's work preparing tin roof on Penitentiary, at $6 00 per day,		$127 50
To 80 lbs. solder, at 50 cts.,		40 00
To 6 barrels charcoal, at $1 00,		6 00
To 5 lbs. muriatic acid, at 50 cts.,		2 50
Total,		$176 00

TERRITORY OF OREGON, }
Multnomah County, } ss.

H. Seymour being first duly sworn, deposes and says the foregoing bill is correct and justly due, and owing to Seymour & Joynt, and that no part of the same has been paid; that the work and materials were actually furnished, and the prices charged were the customary and usual prices of said articles.

H. SEYMOUR.

Subscribed and sworn to before me this 6th day of Dec., 1858.

WILLIAM BECK,
Justice of the Peace.

Approved December 8th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(R.)

PORTLAND, *Dec.* 1, 1858.

Territory of Oregon,

To FITCH & Co., Dr.

1858.		AMOUNT.
Feb. 25	To 1 bbl. oil, 40 1-2 gallons, at $1 50, -	$ 60 75
Oct. 7	" " " 48 1-2 " $1 50, -	65 25
	cartage, - - - -	1 00
	Total, - - -	$127 00

TERRITORY OF OREGON, }
Multnomah County, } ss.

A. D. Fitch being first duly sworn, deposes and says the foregoing bill is correct and justly due, and owing to Fitch & Co., and that no part of the same has been paid; that the goods were actually

furnished, and the prices charged were the customary and usual prices of said articles.

A. D. FITCH.

Subscribed and sworn to before me this 2d day of December, 1858.

WM. P. DOLAND,
Clerk of District Court.
Per JAS. W. DAVIS,
Deputy for Multnomah County.

Approved December 8th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(S.)

PORTLAND, *December* 4, 1858.

Territory of Oregon,

To F. M. ARNOLD, DR.

1858.	AMOUNT.
To services as Keeper and Assistant Keeper of the Penitentiary, from October 21st, 1853, to February 8th, 1854, (while the Penitentiary was being erected,) at the rate of $3 50 per day, for 110 days, - - - -	$885 00

I hereby certify that F. M. Arnold was Keeper and Assistant Keeper during the time charged for, and has never received any compensation.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(T.)

PORTLAND, *February* 1, 1858.

Territory of Oregon,

To F. M. LICHTENTHALER, Dr.

1858.		AMOUNT.
	To service as assistant keeper of the Penitentiary, from Nov. 1st, 1857, to date; three months, at $600 per year, - - - -	$150 00

Approved January 30th, 1858.

JOSEPH SLOAN,
Superintendent of Penitentiary.

(U.)

SALEM, *November* 20, 1858.

Territory of Oregon,

To W. S. BARKER, Dr.

1858.		AMOUNT.
Jan. 15	To 5 paper frames, at 75 cts., - -	$ 3 75
Feb. 6	1 paper frame, and repairing chair, -	1 50
" 22	putting on lock, - - - -	1 00
Sept 4	72 feet shelving, at 15 cts. per foot, -	10 80
Nov 1	repairing chair, - - - -	50
	Total, - - - -	$17 55

(V.)

SALEM, O. T., 1858.

Territory of Oregon,

By A. E. Wait et al., Commissioners to remove the remains of Hon. S. R. Thurston.

To CHESTER N. TERRY, Dr.

1858.		
	To expenses incurred in removing and interring the remains of Hon. S R. Thurston, -	$89 50

(W.)

Territorial Library,

Bought of W. K. Smith & Co.,

1858.		AMOUNT.
Feb. 1	To 1 ream legal cap,	$ 5 85
" 10	1 eraser,	1 00
" 10	1 paper folder,	50
" 19	1 bunch goose quills,	75
Ap'l 1	1 bunch envelopes,	25
" 1	1 doz. pencils,	1 25
" 1	1 large bottle ink,	75
" 8	1 broom,	50
" 16	1 bunch envelopes,	25
J'ne 18	2 doz. pens,	50
" 22	3 quires lawyer's brief,	2 25
Sept 23	1 broom,	63
" 23	2 doz. pens,	50
" 27	6 ozs. gum arabic,	1 00
" 27	1 bunch blotting paper,	37
Oct. 18	5 bunches envelopes,	1 00
" 28	1 hatchet,	1 50
Nov. 18	3 doz. matches,	2 25
" 18	2 lbs. candles,	75
" 22	1-2 ream extra long letter paper,	3 00
" 22	1-2 " " " " "	2 50
" 22	1-2 " " " cap "	2 75
" 22	1-2 " " " " "	2 50
" 24	cash paid Phillips,	1 50
Dec. 8	1 box candles, 24 lbs. at 55 cts.,	13 20
" 8	1 eraser,	75
	1 pitcher and 2 tumblers,	2 50
	1 gold pen,	4 00
	1-2 ream letter paper,	2 75
	250 envelopes,	1 50
	Total,	$68 80

TREASURER'S REPORT.

DECEMBER 7th, A. D., 1858.

To the Honorable the Legislative Assembly
Of the Territory of Oregon.

In accordance with law, the Treasurer of said Territory begs leave to submit the following Report, showing the condition of the Treasury Department, for the fiscal year beginning December 7th, 1857, and ending December 7th, 1858:

TERRITORIAL FUNDS.

RECEIPTS.

1858.	AMOUNT.
Received from the Treasurer of Benton county, for 1858,	$1,390 61
Received from the Treasurer of Clackamas county, for 1857,	1,298 37
Received from the Treasurer of Clatsop county, for 1857,	207 72
Received from the Treasurer of Columbia county, for 1857,	207 50
Received from the Treasurer of Coos county, for 1857,	68 25
Received from the Treasurer of Curry county, for 1858,	79 12

1857.	AMOUNT.
Received from the Treasurer of Douglas county, for 1857,	$ 81 75
Received from the Treasurer of Jackson county, for 1857,	1,566 87
Received from the Treasurer of Josephine county, for 1857,	362 75
Received from the Treasurer of Lane county, for 1857,	2,010 36
Received from the Treasurer of Linn county, for 1855,	883 93
" 1857,	2,057 03
Received from the Treasurer of Marion county, for 1857,	92 00
" 1858,	2,300 00
Received from the Treasurer of Multnomah county, for 1857,	1,961 86
Received from the Treasurer of Polk county, for 1855,	545 76
" 1857,	807 80
" 1858,	2,217 06
Received from the Treasurer of Tillamook county, for 1857,	55 93
Received from the Treasurer of Umpqua county, for 1857,	424 17
Received from the Treasurer of Wasco county, for 1857,	
Received from the Treasurer of Washington county, for 1857,	845 00
Received of the Treasurer of Yamhill county, for 1857,	1,477 74
	$20,936 58
Amount in the Treasury at date of last Annual Report,	2,117 40
Sum Total	$23,053 98

EXPENDITURES.

1857.		AMOUNT.
Dec. 8	Paid H. B. Baker, order No. 105,	$ 66 00
" 8	Interest on the same,	1 62
" 10	D. T. Craig, order No. 123,	843 50
" 16	William McMillen, order No. 124,	17 20
" 16	C. A. Pickett, order No. 100,	394 26
" 16	Interest on said warrant,	11 20
" 16	C. A. Pickett, order No. 101	133 38
" 16	Interest on the same	3 85
" 16	Joseph Sloan, order No. 98,	250 00
" 16	Interest on the same,	7 00
" 16	C. A. Pickett, order No. 99,	150 00
" 16	Interest on the same,	4 38
" 16	H. B. Wilson, order No. 108,	225 00
" 16	Interest on the same,	2 00
" 16	Smith & Davis, order No. 109,	70 00
" 16	Interest on the same,	1 00
1858.		AMOUNT.
Jan. 1	William L. McEwan, order No. 102,	250 00
" 1	Interest on the same,	9 00
" 1	Geo. K. Sheil, order No. 126,	250 00
" 4	Jacob & Harbaugh, order No. 169,	13 60
" 5	William L. McEwan, order No. 127,	250 00
" 5	Isaac L. Hensley, order No. 122	405 00
" 5	Interest on the same,	3 38
" 7	J. H. Lewis, order No. 129,	102 14
" 7	B. F. Bonham, order No. 128,	136 00
" 14	Jacob Hoover, order No. 130,	33 80
" 14	John Smith, order No. 131,	115 00
" 16	Treasurer of Columbia Co., order No. 56,	55 12
" 16	Interest on the same,	2 30
" 16	Treasurer of Columbia Co., order No. 55,	133 92
" 16	Interest on the same,	5 55
" 16	R. E. Stratton, order No. 132,	150 00
" 25	William Tichenor, order No. 133,	125 00
" 28	D. Linn, order No. 134,	58 21

1858.		AMOUNT.
Jan. 28	Paid Thomas Pyle, order No. 135,	$500 00
" 28	A. M. Berry, order No. 136,	35 00
" 29	Hugh D. O'Bryant, order No. 137,	35 00
" 30	N. H. Craner, order No. 138,	35 00
Feb. 1	C. A. Pickett, order No. 141,	883 42
" 1	" " " " " 143,	137 43
" 1	" " " " " 140,	150 00
" 1	Joseph Sloan, order No. 139,	250 00
" 1	William McMillen, order No. 142,	8 60
" 1	" " " " 49,	8 60
" 4	William L. White, order No. 144,	62 00
" 5	R. E. Stratton, order No. 145,	58 19
" 5	H. H. Ellis, order No. 146,	455 00
" 7	James Hendershott, order No. 147,	50 00
" 7	Aaron Purdy, order No. 148,	91 98
" 9	T. J. Dryer, order No. 149,	76 75
" 9	B. F. Bonham, order No. 150,	15 00
" 9	Treasurer of Benton Co., order No. 151,	55 62
" 13	W. S. Barker, order No. 154,	63 50
" 13	Asahel Bush, order No. 153,	36 00
" 13	" " " " 152,	141 00
" 19	William J. Beggs, order No. 155,	9 00
" 20	Treasurer of Jackson Co., order No. 158,	4 45
Mar. 3	J. B. & M. Hirsch, order No. 156,	12 50
" 6	Roberts & Shartle, order No. 159,	108 00
" 8	William G. T'Vault, order No. 160,	300 00
" 8	" " " " " 161,	60 00
" 15	Joseph Sloan, order No. 162,	134 60
" 15	R. B. Wilson, order No. 163,	25 00
" 17	John Smith, order No. 164,	58 00
" 20	D. T. Craig, order No. 165,	250 00
" 24	For safe for the Territory,	200 00
" 26	W. K. Smith, order No. 157,	81 15
" 31	George Flavel, order No. 166,	125 00
" 31	B. F. Bonham, order No. 167,	125 00
Apr. 24	Isaac L. Hensley, order 168,	971 25
May. 1	F. S. Hoyt, order No. 169,	10 00

1858.		AMOUNT.
May. 5	Paid C. A. Pickett, order No. 171,	$ 150 00
" 5	Joseph Sloan, order No. 170,	250 00
" 5	C. A. Pickett, order No. 172,	920 00
" 5	F. M. Lichtenthald, order No. 173,	150 00
" 5	Archa Fuqua, order No. 194,	133 34
June 24	Thomas Pyle, order No. 175,	638 00
July. 1	B. F. Bonham, order No. 176,	125 00
" 2	Geo. K. Sheil, order No, 177,	250 00
" 8	W. G. T'Vault, order No. 178,	150 00
" 9	Wm. L. McEwan, order No. 179,	250 00
" 13	R. E. Stratton, order No. 180,	150 00
" 21	B. F. Harding, order No. 181,	100 00
Aug. 1	F. M. Lichtenthaler, order No. 184,	150 00
" 1	C. A. Pickett, order No. 183,	150 00
" 1	Joseph Sloan, order 182,	250 00
" 1	C. A. Pickett, order 186,	917 70
" 1	Archie Fuqua, order 185,	150 00
" 16	H. S. Jacobs, order 187,	200 00
" 30	Geo. H. Williams, order No. 191,	100 00
Sept. 4	A. B. Hallock, order No. 188,	359 63
" 14	W. H. Frush, order No.190,	529 53
" 20	John Fullerton, order No. 192,	80 45
" 22	N. A. Cornoyer, order No. 193,	84 40
" 30	H. S. Jacobs, balance on order No. 187,	1,066 00
Oct. 1	B. F. Bonham, order No. 194,	125 00
Nov. 1	L. J. C. Duncan, order No. 195,	154 80
" 15	A. Purdy, order No. 196,	92 00
" 18	John Fullerton, order No. 197,	440 00
" 18	Treasurers per cent. for receiving $20,936 56 two per cent. this sum,	418 73
" 18	Treasurer for paying out $18,134 03,	362 68
	Total,	$18,497 71
	Deduct this amount from the amount received, ($23,053 98,) remaining in the Treasury, this sum,	$4,556 26

EXHIBIT OF THE COMMON SCHOOL FUND.

1858.	AMOUNT.
In the treasury at date of last annual report, in notes and money, thirty thousand eight hundred and ninety-six dollars and ten cents,	$30,896 10
Interest received on said notes since the date of last report,	1,480 84
Total,	$32,376 94
Paid out of said fund to E. J. Harding, for recording nine mortgages,	$ 14 25
Paid treasurer for receiving $1,480 84 interest,	29 61
Paid treasurer for receiving $1,000 in notes in his hands, and reloaning the same,	30 00
Total,	$73 85
Leaving now due the Common School fund, in the treasury, thirty-two thousand three hundred and three dollars and nine cents,	$32,303 09

The following is a true statement of the amount each County owes in notes left with the Treasurer by the School Commissioners of said County, yet unpaid:

COUNTIES.			AMOUNT.
"	Benton,	In notes,	$ 1,890 36
"	Clackamas,	"	1,622 50
"	Douglas,	"	2,110 41
"	Lane,	"	3,551 15
"	Marion,	"	5,176 31
"	Polk,	"	234 34
"	Umpqua,	"	1,522 20

Those seven counties are all that have paid common school money into the treasury, except Josephine County, which paid $46 in cash, but no notes.

The following is the amount of notes held by mortgages on real estate in the treasury, (this money was loaned out of the treasury):

In notes	on	citizens	of	Clackamas	County,	$ 660 00
"	"	"	"	Benton	"	200 00
"	"	"	"	Linn	"	1,000 00
"	"	"	"	Marion	"	10,756 08
Total notes on interest in the treasury,						$28,523 30
There is in gold coin in the treasury, by order of act of last Legislature, not loaned, this sum,						$ 3,789 79
Total,						$32,303 09

There is this day in the Territorial Treasury, thirty-two thousand three hundred and three dollars and nine cents, in notes and money as above set forth.

There is a great amount of interest and money due the Common School fund, which has been withheld since the act of last Legislature, which forbid the treasurer loaning any more of said fund; therefore, the money remains in the treasury, subject to the act of the Legislature, unless the same is repealed.

EXHIBIT OF THE UNIVERSITY FUND.

1858.		AMOUNT.
	On hand at date of last annual report,	$4,998 44
	Interest received on said notes,	379 08
	Total,	$5,377 52

EXPENDITURE.

1857.		AMOUNT.
Dec. 19	Paid Ahio S. Watt, order No. 125,	$ 100 00
1858.		
Dec. 7	" Treasurer's per cent. for receiving $879 00 at 2 per cent.,	7 58

1858.			AMOUNT
Dec. 7	"	Treasurer for receiving and reloaning $1,405 00 University funds, at 2 per cent. to receive and 2 per cent. to pay out, this sum, ...	$ 56 00
		Total, ...	$163 58

Deduct $163 58 from the $5,377 52, will leave five thousand two hundred and three dollars, and ninety-four cents, remaining in the treasury this 7th day of December, 1858. $5,203 94

Some of those notes ought to be collected, as they have been standing some four (4) years. There has been but little interest collected on university notes since my last annual report. All of which is respectfully submitted.

J. D. BOON.
Territorial Treasurer.

DECEMBER 7, A. D. 1858.

SUPERINTENDENT'S REPORT.

To the Honorable Legislative Assembly of the Territory of Oregon:

In accordance with the provisions of an act to more effectually carry out the provisions of sec. 5, of "an act to provide for the election of, and to define the duties of a Superintendent of Penitentiary, passed by the Legislative Assembly at its last annual session," I hereby beg leave to lay before your honorable body the following Report:

By the act above referred to, I was required to advertise for sealed proposals, for a sufficient quantity of Stone in the rough and other materials, sufficient to complete fourteen cells; also, blacksmith tools, iron and steel, and stone hammers, which I accordingly done.

The number of proposals which I received up to the hour the law required me to open them, to wit. 2 o'clock P. M., April 1, 1858, was two; one from W. H. Frush, who proposed to furnish all the materials required.

Stone $25 per perch, and sett blacksmith tools $200, all the iron required at 12 1-2 cents per lb., steel 45 cents per lb., stone hammers of cast steel and cast steel tools, such as are necessary in dressing stone at $1 per lb., cement $7 50 per bbl., sand 15 cents per bushel.

Second bid opened was from Charles G. Schrawm, proposing to furnish stone in the rough at $28 90 per perch.

I considered the bid too high, and consequently did not let the contract, and advertised again to be let on the 9th day of June, 1858.

My reason for advertising the second time was to give more time to contractors; the law providing in the first instance for the opening of bids on the first day of April, and being passed the last day of the session (Feb. 3, 1858), I could not get a copy of it until near the first of March. Consequently, it allowed but one month to advertise, which I considered too short a time, and in hopes of getting a greater number of proposals, and at lower figures, I advertised the second time, but received no bids.

It would require about 350 perch of stone to complete the fourteen cells, and also a large amount of other materials, all of which the contractor or contractors would be required to deliver upon the Penitentiary ground before any part of the account could be allowed or approved by me, and no certainty when the money would be paid. Contractors were not willing to take the risk at anything like what I considered a fair price, consequently I preferred to let the stone cells remain unfinished, and erect temporary wooden cells for the convicts, than to pay an exorbitant price for the materials to complete the fourteen stone cells, which I accordingly did.

I would here suggest the propriety of so far changing the original plan as to allow the cells to be built of brick in place of stone, as it could be done at much less expense.

Stone in the rough sufficient to complete fourteen cells, had the contract been let to the lowest bidder, which was $25 per perch; 350 perch would have cost the Territory $8,750. Brick for the same number of cells, at $12 per m., 119,000 would cost $1,428. Lumber, nails, &c., to line and floor the same, would not cost more than $25 for each cell; and as a great portion of the labor could be performed by the convicts, it would not cost over $3,500 to complete the fourteen cells.

And to complete the entire fifty-four cells (the number which the north wing of the building would contain) in the manner above suggested, would not cost more than $15,000, while the stone in the rough delivered on the Penitentiary ground sufficient to complete them would cost $20,000.

The same act required me to employ all the convicts not engaged on the stone work, in making brick on the Penitentiary ground, if it

was found suitable. There is no ground belonging to the Territory which is suitable for a brick yard, and if there had been, I could not have employed the convicts in making brick, because it would have been necessary to have incurred considerable expense in preparing to make brick, which the law did not provide for, to wit: lumber for fencing yard and covering brick kiln; lumber and iron for mills to grind clay; horse or horses to work the mills; moulds to mould the brick, and wood to burn the same, which could have been cut by the convicts, but the timber would cost 25 cts. per cord, hauling $1 25 per cord, which would amount to $1 50 per cord for the wood delivered; 100 cords to a kiln of brick would be $150; then one man could not attend to burning day and night, and we could not keep convicts out at night as it would be unsafe, and as all this expense must be necessarily incurred in the commencement of the work, and no provision in the law by which any portion of it would be paid except the per diem of the foreman or practical brick-maker.

The same act required me to sell the brick so made, at the market value, for the benefit of the Territory, but did not provide that I should apply the funds obtained from such sale to defray the expenses incurred in the manufacture of the brick; and in case we should fail in making a merchantable article, all the expense incurred must be paid by the territory, and it would receive no benefit therefrom; and in view of all these facts, I deemed it best not to commence the manufacture of brick.

By the same act I was required to employ the services of one assistant keeper and two guards when the convicts were actually employed, but not otherwise; and had I so employed them, that number of officers would not have been sufficient to have guarded them safely.

The number having increased so rapidly that it became absolutely necessary to employ an assistant keeper and one guard, which I accordingly did, but on account of the difficulty in getting the account allowed by the auditor, he having no law by which to act, that on the 1st day of August last, the former assistant keeper resigned, and the guard was required to take his place, since which time I have had but two officers, the keeper and assistant, which force, in my opinion, is entirely too small to keep the number of convicts now in prison with, either safely to themselves or the property of the ter-

ritory; and I think it will appear equally clear to your honorable body, that two officers are entirely insufficient to guard and safely keep 32 convicts, (which number we have now) and the major part of them the most desperate characters that can be found in Oregon, or on the Pacific Coast.

In my last annual report, I urged the necessity of the Superintendent being empowered by law to employ assistant keepers when actually necessary, fearing that before another session the increase of convicts in the institution would require it, but unfortunately for us, they made no such provision.

I would therefore call the attention of your Honorable Body to the fact of the inadequate number of officers, and hope you will provide some means whereby the Superintendent may be authorized to procure the services of additional assistant keepers if they should be found necessary in future.

During a part of the past summer and fall, the keeper, Mr. C. A. Pickett, has worked a portion of the convicts, for which time he allowed the territory 50 cts. per day for each man; the work which was performed by them has been duly credited to the territory at the end of each quarter, as will appear by his accounts filed in the auditor's office. No. of days labor from May 1st to Nov. 1st, 1858, is 810, at 50 cts. per day, making $405.

It will be seen that the incidental expenses of the prison has been greater during the present than any previous year, both on account of the increase of convicts, and in the manner of purchasing the supplies.

From Feb., 1854, to Feb., 1858, all the clothing, beds and bedding, kitchen furniture, &c., were purchased by the keeper, and paid for by him out of his private funds, and charged to the territory at the end of each quarter, which the auditor allowed up to last February, at which time he declined to audit them, as the Legislature had failed to pass any law under which he could act in the premises; but, viewing them as all other unliquidated accounts, he would give certificates of indebtedness; consequently, if the keeper purchased the necessary articles, he must wait one year to have his accounts allowed, which he could not do, and therefore he contracted with other parties to furnish such articles as would become necessary from time to time, and have their accounts allowed by your

honorable body; and in consequence of the long time, they could not be purchased at cash prices, but were all purchased as low as possible under the circumstances.

The expense incurred during the present year for medicine and medical attendance is very small, and would have been much less, was it not on account of one convict, a Kanaka, sent from Columbia County, and received May 3, 1857, whose feet had been frozen, and consequently has required constant attention up to the present time.

I would here respectfully suggest the propriety of employing a physician by the year, and having a small stock of medicines in the prison, which could be obtained at a much less cost than it is at present, and could be dealt out to the prisoners under the direction of the physician, through the officer in charge.

With a view to economy, I would suggest that all the necessary subsistence and clothing be furnished at the expense of the territory, and dealt out to the convicts by the keeper, instead of boarding by the week, as is the case now; and to provide a suitable uniform for each prisoner, so they may be known and distinguished from citizens when out of the prison, and also to allow salaries which will secure the services of competent officers, which will, in my estimation, reduce instead of add to the expenses of the institution, more than sufficient to pay the extra expense in salaries.

There is no provision in law, allowing a chaplain for the prisoners, but the Rev. Bishop Scott has, on several occasions, volunteered his services in that capacity, without compensation, or desire on his part for any, and at my request has furnished me with a short report, which is hereto annexed.

I deem it my duty, before closing this report, to attest the efficiency and ability of the present keeper, Mr. C. A. Pickett. In the discharge of his hazardous duties, he has proved himself eminently qualified to fill the position he occupies.

The expenses incurred in the government of the prison during the past year are as follows:

	AMOUNT.
Salary of superintendant, keeper and assistant keeper,	$2,200 00
Salary of one guard for 5 months and 20 days,	283 33
Board of convicts,	3,777 79

	AMOUNT.
Clothing &c. from November 1, 1857, to February 1, 1858, 3 months,	$ 137 43
Total,	$6,398 55

TABLES SHOWING THE NUMBER OF CONVICTS IN CONFINEMENT, WHERE CONVICTED, CRIMES, ETC.

	NUMBER.
Whole number in confinement, Dec. 8, 1357,	18
" " since committed,	17
Total,	35
Discharged by expiration of sentence,	3
Total remaining,	32
Males,	31
Females,	1
Total,	32

COUNTIES WHERE CONVICTED.

COUNTIES	NUMBER
Douglas,	8
Jackson,	7
Curry,	1
Marion	3
Lane,	1
Multnomah,	6
Polk,	1
Benton,	1
Clatsop,	1
Linn,	1
Clackamas,	1
Columbia,	1
Total,	32

NATIONALITY OF CONVICTS IN THE INSTITUTION DEC. 8, 1858,

	NUMBER
England,	3
Ireland,	3
Sweden,	1
Canada,	1
Sandwich Islands,	1
Germany,	2
United States,	21
Total,	32

CRIMES.

Assault with intent to kill,	1
Murder in 2d degree,	2
Assault with intent to commit rape,	1
Manslaughter,	1
Burglary,	1
Robbery,	2
Larceny,	14
Grand Larceny,	2
Assault with intent to murder,	4
For assisting in the escape of a prisoner,	1
Assault and robbery with dangerous weapons,	2
Intent to commit larceny,	1
Total,	32

All of which is respectfully submitted.

JOSEPH SLOAN,

Superintendent of Penitentiary.

ACCOMPANYING REPORT.

PORTLAND, *Dec.* 6, 1858.

MY DEAR SIR:—It gives me much pleasure to comply with your suggestions at my last visit to the Penitentiary. As a minister of the Gospel, I have esteemed it a privilege to hold religious services with the convicts, and to offer them the same instructions and assurances of Divine love and mercy which rendered the Saviour's ministry so attractive to the chief of sinners. And then the readiness and courtesy with which both yourself and your assistants have furnished me this opportunity, at whatever additional care and trouble, demand my grateful acknowledgment.

It has been nearly a year since my visits commenced. With your approbation, each of the convicts capable of using them, has been furnished with the Bible and the book of Common Prayer. And we have reason to believe that these books have been much used, not merely at the hour of religious services, but privately in the cells. I have been much gratified with the attention and interest which the men have always exhibited. Their uniformly correct behavior has been witness to the faithfulness of yourself and your assistants in their ordinary discipline; but in addition to this decorum, when I have seen so many of them with the Bible and Prayer Book in hand, have seen them with one accord upon their knees, and have

heard them unite so distinctively in confession of sin and supplication for mercy, my own heart has been deeply touched, and I could not but believe that the "Hearer of prayer" was really shedding his mercy upon some at least of this company, though shut out from the sympathies of the world. To suppose that this was all the result of personal religious feeling, were indeed a hasty conclusion; while at the same time, it is not to be believed that such religious exercises so attended will be without a salutary moral effect upon some at least.

That habitual religious services and instruction should be provided for all such institutions, admits of no reasonable doubt. Their object is not merely to punish, but to reform. It will be found, as a general rule, that the inmates have had little or no early religious training, and that like too many who have not as yet reached the same end, they were, in their riper years, neglecters of religious instruction and worship. Now that they are removed from those facilities of evil association and profligacy, which ripened their irreligion into open crime, the opportunity is favorable, it may be, to inculcate those salutary lessons of truth and righteousness, which should have been given in the sheltered sanctuary of their childhood. All experience and observation unite in testifying that the Gospel is the only permanently efficient remedy for human depravity and its sad consequences. It brings not only the pure and perfect law of truth and right, enforced by the sanction of God's authority, but also the only system of motives and aids for the conversion and elevation of fallen man. And it follows that any reformatory system which does not embrace this, is radically deficient.

To be effectual, this process must not be merely or mainly what is called preaching, but the clear and familiar exposition of the Gospel teaching in its own simplicity and loving-kindness, accompanied by such devotional exercises as will enable each one to unite in the repentant acknowledgment of his sins before God, and in pleading for forgiveness and grace. How far my own labors have conformed to this model, it is not for me to say. Such has been my aim, and the result, so far as I can judge, has been altogether encouraging. My services have, of course, been but occasional, owing to frequent and long absences on necessary duty. Such as they are, these services shall still be rendered, if such be your pleasure,

as often as I am in the city, at least until the Legislature may be able and disposed to provide the constant services of some one well qualified for such a duty.

If, in this brief note, having no official connection with the institution, I have wandered beyond my proper bounds, I am sure you will excuse the liberty, and believe me, with best wishes and assurances of sincere regard,

Your friend and servant,

THOMAS F. SCOTT.

JOSEPH SLOAN, ESQ.

REPORT OF THE

UNIVERSITY LAND COMMISSIONER.

To the Honorable the Legislative Assembly
Of the Territory of Oregon:

In accordance with law, I submit the following report:

Since the date of my last annual report, I have found no occasion to do business in this office, with the exception of receiving and answering occasional letters of inquiry in regard to the University lands.

I have still endeavored to institute suit for the possession of the "Oregon City claim," but have been unable so to do. Attorneys seem to be unwilling to undertake a suit of such magnitude, and of such probable duration, and trust to the legislative assembly for the amount of their renumeration. Of course I could promise them nothing.

The possession of said "claim," remains with the heirs and representatives of the late Dr. John McLoughlin.

There are several statutory enactments providing for the preservation of the University lands from trespass and waste. That all these fall short of effecting the object for which they were designed, I have but too good reasons to believe.

In no single instance, have grand jurors presented bills of indictment against trespassers, nor have I been able to procure testimony sufficient, to warrant the commencement of suit against any person for trespass or waste; although I have been informed of the fact, that trespass has been committed.

In strict conformity to law, I might have employed my whole time in looking up those lands, and hunting after the trespassers upon them, and thus have made a large bill against the territory, which would probably have resulted to my pecuniary advantage, but to the "fund," the expense would greatly have exceeded the profit. I have no charges to make for such service during the past year.

For the present state of the University fund, I would respectfully refer you to the current reports of the Treasurer and Auditor of the Territory. They constitute a majority of the board for loaning the same, and this duty has been left entirely with those officers.

Respectfully submitted,

AHIO S. WATT,

University Land Commissioner.

YAMHILL CO., O. T., *Dec.* 13, 1858.

LIBRARIAN'S REPORT.

To the Honorable the Legislative Assembly
Of the Territory of Oregon:

In compliance with law, I have the honor to submit to you my annual report of the condition of the Territorial Library, with a catalogue of the same.

The Library and Auditor's offices are kept in the same room, the incidental expenses of both of which have been presented in my annual report as Territorial Auditor.

The additions to the Library for the past year, consist of the Laws, Journals, and Public Documents of such of the different States as practice the exchange of such publications, together with some of the publications of the different departments of the general government.

CATALOGUE OF BOOKS NOW ON HAND.

A.	NO. VOLS.
Acts of Louisiana, 1854–'5–'6, (duplicates)	6
" Washington Territory, 2d, 3d and 4th sessions,	3
" New Hampshire, 1855–'6,	2
" Rhode Island, 1856–'7,	2
" Arkansas, 1857,	2
" South Carolina, 1855–'6–'7,	3

	NO. VOLS.
Acts of Pennsylvania, 1856–'7,	2
" Virginia, 1855–'6,	1
" Oregon Territory, 1855–'6–'7–'8,	30
" Kentucky, 1855–'6,	2
" Georgia, 1856–'7	2
" Maine, (duplicate,) 1855–'6,	2
" Maryland, 1856,	1
" California, 1856 3 vols., 1857 2 vols., 1858 2 vols.,	7
" New Jersey, 1856 1 vol., 1857 1 vol., 1858 1 vol.,	3
" North Carolina, 1856–'7,	1
" Michigan, 1857,	1
" Texas, 1855–'6	1
" Illinois, 1853,	1
" Wisconsin, private and public, 1857,	2
" Missouri, 1857,	1
" Alabama, 1856–'7,	1
" Iowa, 1857,	1
" New York, 1858	3
American Architect,	1
Architecture, Building and Carpentry,	1
Architecture, Pennsylvania School,	1
Astronomical Expedition, U. S. Naval,	2
Agricultural Society of Connecticut,	3
Agricultural Society of Illinois,	1
Army, Book of,	1
Army Regulations, 1857,	1
Arms, small, U. S. Army,	1
Army Meteorological Register,	1
Adams, John—Life and Works, vols. 1 and 10,	2

C.

Colonial Records, New Haven,	2
" " Rhode Island,	3
" " Plymouth,	6
" " Pennsylvania,	16
Classical Library,	2
Commerce and Navigation of U. S., 1856–'7,	2

	NO. VOLS.
Commercial Regulations of U. S., 1856,	4
Coast Survey, by A. D. Bache,	7
" " Book of Maps,	2
" " Ten Wall Maps,	
Congressional Globe, parts 2 and 3, 1st session of 34th Congress,	2
" " Appendix to " " " " "	1
Criminal Practice—Archibalds,	3
Common Schools of Pennsylvania,	2
" " " Connecticut,	1
Chemistry, Brand's Manual,	2
Constitutional Convention of Massachusetts, debates of,	1
" " " California, debates of,	1
" " " Maine, journal of,	1

E.

Education, Public of Louisana,	1
Exploring Expedition of U. S.—by Wilkes,	4
Executive Documents, 33d Congress,	44

F.

Ferdinand and Isabella, (Vol. 1st)	

G.

Geological Survey of Wisconsin, Iowa and Minnesota—with maps,	2
" " " New Jersey,	1
" " " Kentucky,	2
Geography of Heavens,	1
Gibbon's Rome,	1

H.

Homer, Pope's Translation of,	2
Howatt's Journal,	1
Howe's Practice,	1

I.

Industry of Massachusetts,	3
Indian Tribes of U. S., Hist. and Condition of—by Schoolcraft,	2

	NO. VOLS.
Idiocy, Report on, by Commissioners of Connecticut,	1
Instruction, Public of California,	1

J.

Journal of House of Representatives of Territory of New Mexico, 1851,	1
Journal of House of Representatives of Nebraska Territory, 1855,	1
Journal of House of Representatives of Washington Territory, 1854–'5–'6–'7,	4
Journal of Council of Washington Territory, 1854–'5–'6–'7,	4
Journals of House of Representatives of O. T.,	30
" " Council of O. T.,	30
" " Senate of California,	4
" " House of California,	4
Journal, Appendix to, of Senate and House, 4 Vols. each,	8
Journals, Senate and House, Connecticut,	4
" " " " Florida,	2
Journal of House of Representatives, U. S., 1st session, 33d Congress,	2
Journal of Senate of U. S., 1st session, 33d Congress,	2
" " House of Representatives, U. S., 34th Congress,	8
Jefferson's Complete Works,	1
Japan Expedition,	4

L.

Law of Nations—by Vattell,	1
" " " " Wheaton,	1
Librarian's Report, Tennessee,	1
" " Pennsylvania,	1

M.

Messages and Documents, Congress,	11
Map of Rhode Island,	1
Marion Francis, Life of,	1
Massachusetts, Public Documents, 1858,	1

O.

Oregon Archives,	5

	NO. VOLS.
Oregon Laws of Provisional Government,	3
Official Register, U. S., 1856-'7	2
P.	
Patent Office Reports,	4
Pacific R. R. Exploring Expedition,	5
Pennsylvania Archives,	12
Penny Cyclopedia,	1
R.	
Reports — Johnson's cases, (S. C., N. Y.)	3
" " " " "	20
" Denio's " "	5
" Wendell's, " "	26
" Barbour's, " "	21
" Cowen's, " "	9
" Hill's, " "	7
" Caine's, " "	3
" " cases,	2
" Digest of	4
" Comstock's of Court of Appeals,	4
" Selden's " " " "	4
" Sandford's of Superior Court of New York City,	5
" Howard's Practice,	11
" Kerman's of New York Court of Appeals,	2
" Bibb's Kentucky,	4
" B. Monroe's Kentucky,	14
" T. B. Monroe's "	7
" A. K. Marshall's "	3
" J. J. Marshall's "	7
" Dana's "	9
" Littell's "	5
" Alabama, Vols. 27, 28, 29,	3
" Foster's, Vols. 4, 7, 9, 10, 11,	5
" California, Vols. 4, 5, 6, 7, 8, (duplicates)	10
" Texas, Vols. 13, 14, 15,	3
" Texas, Digest of	1
" Georgia, Vols. 16, 17,	2

		[NO. VOLS.
"	Louisiana, Vols. 10, 11, 12,	3
"	Illinois, Vols. 13, 16, 18,	3
"	North Carolina, Vols. 1 and 2 each, of Equity and Law,	4
"	Missouri, Vols. 1, 2, 3, 4,	4
"	Ohio, Vol. 3,	1
"	New Hampshire, Vols. 34, 35,	2
"	Rhode Island, Vol. 3,	1
"	Arkansas, Vol. 15,	1
"	S. C. Cushing, Vol. 9, (duplicate)	2
"	S. C. Howard, Vols. 18, 20,	2
"	South Carolina, (Law) Vol. 10,	1
"	" " (Equity) Vol. 8,	1
"	Mississippi, Vol. 32,	1
"	Indiana, Vols. 7, 8,	2

S.

School, Public, Rhode Island,				3
Senate Documents, U. S.,				40
Statesman's Manual, Vol. 1,				1
Smithsonian Contribution to Knowledge,				6
Statutes of Oregon,	Revised,	1855,		10
" Louisiana,	"	1856,		2
" Rhode Island,	"	1857,		1
" Indiana,	"	1852,		2
" North Carolina,	"	1855,		3
" Illinois,	"	1858,		2
" Maine,	"	1857,		1
" Michigan,	"	1857,		2
" Mississippi,	"	1857,		1

U.

University of New York, Report of Regents,	1
U. S. and Mexican Boundary, by Emory,	2

W.

Webster's Speeches, Vol. 1,	1
Total number of Volumes,	683

The following newspapers have been sent to the Library during the past year, and duly filed: The Oregon Statesman, Pacific Christian Advocate, Oregon Weekly Times, Democratic Standard, Oregon Sentinel and Weekly Oregonian.

Respectfully submitted,

B. F. BONHAM,

Territorial Auditor.

DECEMBER 8, 1858.

PILOT COMMISSIONERS' REPORT.

To the Honorable the Legislative Assembly
Of the Territory of Oregon:

We, the board of Pilot Commissioners appointed by your honorable body, in pursuance to a law passed June, 1845, establishing a Pilotage for the Columbia river and bar, would ask leave to make the following report, viz:

Your commissioners have visited the bar a number of times the past year, and found everything in good order and a sufficiency of pilots for the business of the Columbia river at the present time, and all that the business will support, and fully meeting the expectations of your honorable body as far as that law anticipated and effecting all that any law could, embracing the principles embraced in it, but if conducted on other principles, would effect more and increase the commerce of the river to double (if not to treble,) the amount of what it has been in the last year or ever before; these principles we beg leave to suggest to your consideration.

We would recommend that a law be passed granting a salary to each and every pilot upon the bar, and also, that the boat or boats be owned by the Territory for the following reasons:

1st, The Columbia river has to labor under one of the greatest disadvantages that commerce has to contend with, in the charges attendent upon the navigation of the river, for whereas Puget Sound has no pilots, nor requires none, the Columbia does and cannot be navigated without them; this gives the Sound the advantage of all those charges, and presents a great inducement for ships to go there for cargoes in order to save them, although they go there in ballast; whereas, those entering the Columbia in general have full cargoes inward bound. They cannot carry lumber out, as the freights will not justify them in carrying cargo of that character, but must seek a cargo of produce to enable them to meet the expenses attendent upon the navigation of the river. The question will be asked by some, is not the timber and lumber upon the Columbia of as good a quality as that of the Sound? We would answer in the affirmative, and some of it far better, but the freight upon it is so much greater, that it will not justify the manufacturer to manufacture it, and therefore the most of your mills are lying still and going to ruin. The State most prosperous, is the State that avails itself of all its resources, and this course must Oregon pursue, as she has but a limited amount of agricultural land, and a large portion of timber.

We are compelled to pay the pilots indirectly, (as we have to pay the ship that navigates our river) by paying high freights, and every person who wears a shirt, or uses sugar, tea, coffee or any of the necessary luxuries of life, they have to pay the pilots in paying freights. The old argument of the tariff is applicable in this place, "the consumer is the one who pays." We believe the course we have recommended would be promotive of the greatest good, and place our lumber dealers in fair competition with those on any part of the coast.

We append below, * the amount of commerce as near as possible, which you can compare with that of last year, and submit the above suggestion for your consideration.

GEORGE FLAVELL,
RICHARD HOYT,
GEORGE HUSTLER,
Board of Pilot Commissioners.

*Table referred to, not received.—PRINTER.

REPORT.

The Committee on Military Affairs, to whom was referred a resolution of the House instructing them to enquire, amongst other things, whether any document accompanying the Governor's Message, had been omitted to be printed, report:

That they have so far investigated the subject, as to be able to say, that a certain document accompanying the message, (whether intended to be made a part thereof, they are yet unable to say) was taken from the Clerk's table without permission of the House, and therefore never reached the printer.

Your Committee is of opinion that no blame attaches to the printer for not having printed the document. The subject is under further investigation, and the result of the whole enquiry under the resolution, will be submitted to the House soon as practicable.

W. W. CHAPMAN,
Chairman.

REPORT

Your Committee to whom was referred the claim of Roberts & Shartle against the Territory, together with the testimony of witnesses taken in support of such claim, before the Commissioner appointed by the Legislative Assembly of the Territory of Oregon for the purpose of investigating and determining the merits of all claims against the Territory growing out of contracts with the Penitentiary Commissioners, have had the same under consideration, and now ask leave to make the following report:

Your Committee find, upon investigation, that Jacobs & Co., in September, 1853, contracted to build the Penitentiary, and to furnish all the stone and other materials—iron excepted—for such purpose, whereupon Jacobs & Co., contractors with the Penitentiary Commissioners, sub-let a contract to Roberts & Shartle to furnish the stone for said Penitentiary; after which, owing to some misunderstanding between the contractors, the contract was abandoned, and the stone that had been gotten out and furnished by Roberts & Shartle was rejected by the Commissioners as being wholly unfit for building purposes.

And therefore, inasmuch as Roberts & Shartle were not contractors with the Commissioners, but sub-contractors under Jacobs & Co., for the delivery of stone, your Committee are of the opinion that Roberts & Shartle have no legal claim against the Territory for

any breach of contract that may have been between them and Jacobs & Co. But at the same time that your Committee are of the opinion that the said Roberts & Shartle have no *legal* claim against the Territory, they are satisfied that the said Roberts & Shartle were great sufferers by the rejection of stone furnished by them for Penitentiary purposes.

And, although your Committee are of the opinion that the said Roberts & Shartle have no legal claim against the Territory, they will not undertake to say that they have not an equitable claim.

Your Committee would further report that this claim of the said Roberts & Shartle was investigated by the Commissioner appointed for the purpose of investigating the claims growing out of the construction of the Penitentiary, and disallowed by him, therefore your Committee cannot recommend a reopening of the investigation of said claims against the Territory. Your Committee are of the opinion that if the said Roberts & Shartle have any claim, it is one of equity and not of law, and would ask leave to refer the entire matter back to the House, without recommendation.

N. H. CRANER,
Chairman.
JAS. H. SLATER,
A. F. HEDGES.

PROPOSITION.

To the Honorable, the Legislative Assembly
of the Territory of Oregon:

The proposition of Joseph Knott, of Portland, late of Douglas county, respectfully shows:

That said Joseph Knott is ready and willing, and hereby offers to make the Penitentiary a self-supporting institution, and proposes as follows:

He will take the entire institution, (the Penitentiary,) with the grounds, tools, fixtures, &c., and feed, clothe, take care of, and safely keep all the convicts, without expense or charge to the Territory, for the period of four years. He will give ample security for the safe-keeping and proper care of the said convicts, and the proper management of the buildings and public property. The Terrritory shall provide irons, cells, and suitable places for the confinement of the convicts.

Said Knott shall have authority and be fully empowered to put said convicts to labor and service at such times and such kinds of work as he may deem best; provided the Legislature shall provide for the inspection and visitation of the said Penitentiary at stated periods.

Said Knott shall have and receive for his own use the benefits and proceeds of the labor of said convicts, and shall provide at his own expense all requisite keepers and guards for said Penitentiary.

JOSEPH KNOTT.

Dated, SALEM, Jan. 7, 1859.

REPORT.

Mr. Speaker—The joint committee on education, to whom were referred the propositions contained in H. J. R. 6, have had the same under consideration, and make the following report:

1st. That it is inexpedient for this Legislative Assembly to appropriate any more money for common school purposes.

2d. That school directors ought to hold their offices three years, and that their terms of office should be so graduated, that one director shall be elected each year.

3rd. That no change is necessary in the qualifications, powers and duties of directors.

4th. That a majority of the school meeting should have power to tax the property of the district for any purpose connected with schools.

5th. That there are some persons in the several counties in this Territory, who are not included in any district, but your committee are of the opinion, that no further legislation is necessary, except to require the superintendents of the several counties to organise such into a school district, on the application of five or more of such persons.

Your committee beg leave to recommend to the favorable consideration of this Legislative Assembly, the immediate repeal of the law requiring one mill tax to be levied by the boards of county commissioners of the several counties for common school purposes.—Your committee are of the opinion, that it is not very important that

any action be now taken on any of the propositions contained in H. J. R. 6, as they regard the object of the resolution to be mainly to obtain the opinion of this Legislature, for the guidance of future State Legislatures.

All of which is respectfully submitted.

J. H. LASATER,
On part of the House.
SAMUEL PARKER,
GEORGE H. STEWARD,
On part of the Council.

MINORITY REPORT.

Mr. Speaker—We, the undersigned, members of a committee to whom was referred certain contemplated changes in the school law, were unable to agree with the majority of the members composing said committee, in consequence of which, we, a minority of said committee, beg leave to report as follows, viz:

That we deem a change in the common school law at the present time inexpedient and unnecessary, and further, that we believe to annul the Territorial school tax would be a great injury to the best interests of education, and a detriment to the common school system; therefore, we humbly recommend that there be no change made in the school law at present, and especially that the school tax remain the same as at present.

Respectfully submitted.

E. E. McININCH,
E. D. SHATTUCK.

REPORT.

The undersigned, a member of the judiciary committee, begs leave to submit the following report upon petitions referred to said committee, asking for the passage of a law to protect slave property in the Territory of Oregon:

The undersigned is of the opinion, that whereas, the Territories of the United States are the property of the General Government, therefore the citizens of all sections of the Union have equal rights therein—that the man of the South has the same right to migrate into any of the Territories of the United States with his slave property, that the man of the North has to go into said Territories with any other species of property, and that they are both equally protected, under the Constitution of the United States, in person and property. And it is believed, by the undersigned, that neither Congress, nor the Territories, under the Dred Scott decision, have the power to legislate upon the question of slavery within the Territories. And if Congress cannot, under the Constitution of the United States, legislate upon the question of slavery in the Territories, according to the decision of the Supreme Court, known as the Dred Scott decision, and which decision is now recognized, by all portions of the Union, as a fair and just exposition of the Constitution of the United States, then it is certainly clear, that it could delegate no such power to the Territorial Government therof to legislate upon the question of slavery. Congress could confer no power

upon a Territorial Legislature, a creature of its own creation, that it (Congress) did not itself possess, and as Territorial Governments derive all their power directly from Congress, it certainly would be strange logic to conclude that the Territorial Legislature could exercise a power, under the Constitution, that Congress itself cannot. And if the Constitution of the United States recognizes property in slaves, and it is believed it does, then slavery is protected in the Territories, equally with other species of property, under the Constitution, and needs no special legislation.

In a word, if the right of the master to his slave in a Territory, under the Constitution, is good, then no act of the Territorial Legislature, could, in the opinion of the undersigned, confer any new or greater powers or rights upon the owner, or master, or deprive him of any rights or property that he may have in his slave, as per force of the Constitution of the United States.

It is the opinion of the undersigned that, under the Dred Scott decision, a Territorial Legislature has no power to legislate upon the question of slavery in any manner whatsoever, and that the people of the Territories have no legislative power or control over the question of slavery within the Territories, until such time as the Territories shall have a sufficient number of inhabitants to entitle them to admission into the Union as a sovereign State, and then the people thereof shall determine for themselves whether they will bring such new State into the Union, as a slave or free State.

Respectfully submitted to the House of Representatives.

N. H. CRANER.

REPORT.

Mr. Speaker—The undersigned, one of the judiciary committee to whom was referred the petitions of sundry persons, asking for the passage of a law to protect slave property in the Territory of Oregon, has had matter under consideration, and being unable to agree in all respects with the other members of the committee, and especially dissenting from the opinion and recommendations of the report made by a part of the committee, under date of January 6th, 1859, respectfully asks leave of the House to make a separate report, as follows:

The whole subject of these petitions may be embraced under two general enquiries:

1st. Has the Legislative Assembly the power to legislate upon this subject?

2nd. Is it expedient at this time?

The first enquiry is too grave a subject for the undersigned to express any positive opinion upon, and too important to be hastily passed over. It involves an opinion upon the validity of the acts of Congress and upon the correctness of the decisions of the highest tribunal in the land.

If the organic act of this Territory in its prohibition of slavery and involuntary servitude, is valid, it is plain that legislation upon this subject can be proper, only when it is directed to the exclusion

of slave property, and the utter dissolution of the relations of master and slave within our limits. If that organic act is not valid, the subject stands upon a different footing.

It is assumed that that act in regard to the anti-slavery clause, and all other like acts and provisions of Congress, are declared void by the "Dred Scott" decision; a difference of opinion however exists among the ablest jurists, both as to what that case did decide, and also as to the propriety and legality of such a decision as that assumed to have been made. The undersigned does not attempt to express any opinion upon so grave a subject.

He assumes that the supreme court, no matter whether rightly or wrongly, has decided that Congress has no power, nor can it give power to a Territorial Legislature to prohibit slave holders from taking their slaves into the Territories; and that neither Congress nor a Territorial Legislature (by virtue of any authoity it derives from an organic act) can dissolve the relation of master and slave.

A judicial decision is authoritative, and though it may be erroneous, it is to be acquiesced in and obeyed until it be reversed or overruled.

The undersigned while assuming the decisions of the supreme court to be what is stated above, does not admit that by the Constitution any vitality or active operation is given to slavery in the Territories, nor that any obligation is imposed by the Constitution upon a Territorial Legislature, to aid a slave holder in enforcing the obligations incident to the relation of master and slave, or to protect the master in the use and enjoyment of his slave property. The most that it does, is by implication to confer the *power* to afford by proper police regulations such aid and protection.

A Territory upon this view of the subject, until some positive legislation has been had, is placed in the same category with those States and nations which by their laws do neither recognize slavery, nor attempt to dissolve the relation. No laws whatever exist operating upon the relation so as to put an end to it—yet the master has no power to exercise any control over the slave. But under the Constitution, as construed in the "Dred Scott" case, the Legislative Assembly, by virtue of an organic act, may adopt positive regulations to protect the master in the exercise of authority over the slave, and thus protect slave property. Here then, the undersigned, acquiescing in the "Dred Scott" decision, finds a power in this

Territorial Legislature to grant protection to slave property; but the undersigned dissents from the opinion expressed in the report made January 6, in this:

That report seems to assume that the Constitution *guarantees* protection to slave property in the Territories, and makes it *obligatory* upon the Territorial Legislature to act for the benefit of masters. The undersigned believes that the Constitution makes no such guarantee, and imposes no such obligation; but that the Territorial community are perfectly free so far as they are affected by the Constitution or the organic act, to make laws for the protection of slave property or to refuse to do so.

But the undersigned further suggest that there is another source of power, deeper and more extensive than the Constitution and the organic act.

It cannot be denied that the government of the United States is sovereign within the Territories, in the exercise of every power granted by the Constitution, and that the laws of the United States operate as a check upon and a guide for all Territorial Legislation. In other words, the Territorial Legislature can make no law *in conflict* with the laws of the United States, and any such law is void.—But in subordination to the laws of the United States, the Territorial Legislature may act according to its discretion upon any rightful subject of legislation.

The power to do this is not derived from the Constitution or the organic act, but is inherent in the civil community, whose creature the Legislature is. When a Territorial government is once organized, the Territorial community begins a new existence, becomes a civil organism, has a life of its own and a living principle, by virtue of which it grows and develops with no limit to the exercise of its intrinsic powers, but the laws of the United States.

From the organized community—from the people themselves—as from an original and independent source, the Legislative body of a Territory derives an unlimited power to make any laws not in conflict with the laws of the United States. This power is not in conflict with that granted or exercised under the Constitution, but is concurrent and more extensive. From this source the undersigned is of the opinion that this Legislature has power not only to legislate for the

protection of slave property, but also to make laws prohibiting slavery within the Territory.

The next inquiry is whether it is expedient at this time to act in any manner upon the subject.

The undersigned is of opinion that it is not expedient and will be unwise to pass any laws either in favor of or against the object of these petitions.

The inhabitants of this Territory came from all parts of the Union, and consequently differ in their views upon slavery. Some are as bitterly opposed to any legislation in favor of slavery here, as these petitioners could be to legislation against slavery. But all these citizens must have come to the country with a common understanding, either right or wrong, that slavery did not, and probably would not or could not exist here. The belief was well nigh universal until quite recently, that the ordinance of 1787, against slavery, applied here in its full force, and unless it were in a very few excepted cases, pro-slavery men themselves came here without a claim or even a hope that they could hold their slaves, and free State men, probably without exception, came with the full belief that this was and forever would be a free State.

The ordinance of 1787 stands upon the statue book, and no power or law has attempted to add to or take from its provisions, or in anywise meddle with this subject, save only our proposed State Constitution. The same laws in regard to slavery exist now that existed when these petitioners came to the country, and if they were ever valid are valid now, and if void since the "Dred Scott" decision, were void before though not declared so.

The undersigned is therefore of opinion that both free State men and pro-slavery men, should be left to the operation of those laws which were supposed to be in force when they came to the country. It can be no just cause of complaint, to either party, if their Legislature shall let the subject alone, while action on either side might be grounds for great injustice and dissatisfaction to the other. If the Constitution and laws of the United States, of themselves, afford these petitioners any protection or relief let them have all they can get, but if that instrument and those laws afford them no protection or relief, or only that which is inadequate and ineffec-

tual, let them be be content—they have all the rights they had when they came here and all they could reasonably hope to have.

Furthermore, the slavery question should be regarded as settled here, by a most emphatic expression of public sentiment, in the vote upon the State Constitution; and no legislation on this subject can be regarded as consonant with public sentiment, which shall not be positively against the prayer of these petitioners; and none certainly can be wise or expedient which flies directly in the face of public opinion.

The undersigned believes, therefore, that the passage of the bill accompanying the Report of January 6th, or any similar act, would be regarded by a majority of the people of this Territory as an outrage to public sentiment, and would arouse, in all their fury, the elements of strife and discord, which have proved the curse of other Territories, and from which we cannot claim to be exempt.

It will distract and confuse the powers of our State organization, and prove a lasting source of vexation and trouble. It seems to the undersigned, that the direct effect will be to raise the single issue of Free State or Slavery, and by making the settlement of State policy, upon this important matter, a preliminary business, will throw back and greatly delay all the other great material interests of the State.

For these, among other reasons, the undersigned, with all due deference to the views of the other members of the committee, begs leave to dissent from the opinion and action of that portion of the committee whose report is before the House, under date of January 6th, and respectfully recommends that no legislative action be had, at this time, upon the subject matter of these petitions.

Respectfully submitted,

E. D. SHATTUCK.

PROPOSITION.

To the Honorable the Legislative Assembly
Of the Territory of Oregon:

The undersigned, your memorialists, would respectfully represent to your honorable body, that they believe that the labor of the convicts of the Penitentiary of this Territory, properly applied, under a proper system, could be made to pay for a given number of years the entire expense of their keeping, except the expense of the building of the cells, and other necessary expenses of improving and extending the prison to meet the requirements as to room and security.

Your memorialists have arrived at this conclusion from information obtained, which they think is reliable, that the amount received for the labor of convicts within the year past, will not fall much short of three thousand dollars, and believing that the first cost of provisions can be had, delivered at the prison, for the sum of two dollars and fifty cents per week, for each man, which is the only cost of board, would amount, for the whole number now in prison, to sixteen hundred and sixty-four dollars for the year, leaving from the amount received for convict labor, the sum of thirteen or fourteen hundred dollars for the use and superintendence of the prison; but your memorialists believe that an entire new system will have to be adopted, in order that the labor of the convicts shall be turned to the best advantage—that work-shops will have to be built in the prison-yard,

and that the convicts will necessarily have to be employed in the different mechanical branches, instead of employing them outside in chopping wood, and other work, as has been the case for years past. Your memorialists would further respectfully call your attention to a fact, that it is indispensably necesary that a number of cells for the confinement of convicts should be immediately constructed, as your memorialists believe that wooden cells inside of the prison only serve to provide the means of escape to the convict, for the reason that should the convicts set these wooden cells on fire, the keeper would be compelled to turn the convicts out of the prison, and then it would be an easy matter for them to escape, as was shown in the case of the burning of Portland city jail.

Therefore, your memorialists would respectfully call your attention to the fact, that there are a number of cells commenced with cut stone, and that the same be finished, (that is, all the lower tier of cells,) and if it should be deemed too expensive to build the top tier of cells of stone, that they be built of brick.

Believing that something of the kind, as suggested, will be adopted by your honorable body, the undersigned ask leave to present the following proposition for your consideration:

That they will take the convicts, having the right to their entire labor, keep and board them, and do and perform all acts required by law, for five years, on the following conditions, to-wit:

For the first year, the sum of three thousand dollars.

For the second year, the sum of two thousand dollars.

For the third year, the sum of one thousand dollars.

And for the other two years, free of expense to the Territory.

The undersigned would further propose, that for the finishing of the unfinished cells on the ground floor, we propose to furnish and lay in the wall, all of the stone, at fifteen dollars per perch, estimated at about 100 perch.

We further propose, that for all of the brick that shall be used in the construction of cells, that we will furnish and lay in the wall the same, at twelve dollars per thousand.

We agree that we will erect all the necessary workshops for the working of the convicts, free of expense to the Territory, except for material that necessarily has to be purchased, and that such buildings shall be the property of the Territory.

The undersigned are willing to enter into bonds in such sum as your honorable body may require, for the faithful performance of our proposition. All of which is respectfully submitted.

Wm. M. KING.
LEWIS LOVE,
THOMAS STEPHENS.

REPORT.

MR. SPEAKER—The committee to whom was referred sundry petitions asking the enactment of a "Prohibitory Liquor Law," and that the same be submitted to the voters of Oregon at the next general, or at an especial election, for "adoption, or rejection," have had the subject under consideration, and do respectfully report, as follows:

The business of manufacturing and trafficking in alcoholic beverages, in the United States, is one of great importance, both as respects the amount of property invested therein, and also as respects the nett annual profit of the trade. Probably no other business of equal extent, within our country, has in all time proven so lucrative as the manufacture of, and traffic in alcoholic beverages. At least, such is the conclusion to which almost every one has arrived, in contemplating the subject, heretofore, until quite recently.

Within the last few years, the effects of the use of such beverages have attracted more general attention, so much so, that it is now almost universally admitted that there is no real substantial good resulting from such use, but on the contrary, that great evil, evil of every description almost, results from the use of such beverages. It is admitted that such use produces drunkenness, idleness, poverty,

suffering, quarreling, lunacy, idiocy, debauchery, profligacy, destitution, infidelity, prostitution, and crime of almost every description, from petit larceny to highway robbery, and from using insulting language to our dearest friends, to outright murder and suicide. It is admitted on all sides, that the traffic in and use of such beverages are, in all places where they meet with no legal restraining influence, becoming more extensive annually, and that the effects are becoming most appalling.

It is now an established fact, that the use of such beverages, even moderately, yet continually from parent to child, has a material effect in neutralizing the vital energies of the physical system, which are so important and necessary to perpetuate our species in its pristine vigor, and of consequence utterly precludes all advancement or improvement in this respect. It is well known that the immoderate use of such beverages, as is not unfrequently the case within the observation of every one, is sure, in a short period, to utterly overwhelm the person so using it. In short, it is admitted by every one who has given the subject a thoughtful and deliberate consideration, that the use of alcoholic beverages is the direct and indirect cause of more than half—to speak within reasonable estimates—of all the ills and calamities that befall our social compacts—including ignorance, poverty, destitution, sickness and crime. With these and similar admitted facts before us, the question is, "Shall we do anything? If so, what?" The present is an age of fact, of demonstrative truth. In matters of national, political and social economy, "We, the people" of these United States, think we have made some progress within the last half century, and particularly within the last ten or fifteen years—if not in the discovery of abstract facts and principles, at least in the application of them. Then why not apply our knowledge to the abatement of this great evil, the manufacture and use of alcoholic beverages, by at once prohibiting the manufacture and sale thereof? Does any one say we have not the right? Does any one say we have the right to prohibit the manufacture and sale of spurious coin, which no one can eat or drink, and which only a few would ever receive as good, and thereby suffer loss, and then, that we have not the right to prohibit the manufacture of *fire water*, alcohol, which almost everybody will use when brought within their reach, and which dethrones mans' reason, destroys his humanity, makes him a maniac,

deprives society of good citizens, wives of dutiful husbands, children of kind and tender parents, and fills our jails and prisons with criminals, and our alms-houses with paupers? No. No one says so. Neither "squatter sovereignty," nor "popular sovereignty," nor "State rights," nor common sense teaches any such doctrine. Then why not arise in our majesty, in the dignity of united sovereigns, and put a stop to such an unwholesome, such an injurious manufacture and traffic? *This is the reason*—no matter what may be alleged—"*we shall meet with strong opposition, powerful and effective opposition.*" Admit that we shall. Will that opposition ever be less in the future? Certainly not; for the business is increasing rapidly, and more and more capital is being invested, and more and more persons employed therein daily; and per consequence, the opposition will in like ratio increase. Tis true that the opposition against such measures may not increase relatively as fast as public opinion for the same, but if it does not, it will be in consequence of public and private discussions, by lectures, through the press, and in private conversations. If such be the fact, our course as legislators would seem to be plain, to-wit: Either to put a stop to the whole business, at once, by a positive and just law, as we would put a stop to murder, robbery, larceny, or any other petit or heinous crime, because they are essentially and politically wrong, or as we would put a stop to slavery, peonage, or polygamy, because we believe such institutions are barbaric, unprofitable, or against good policy; or to so provide, by adopting proper measures, as to bring public attention to the subject, and in a just and fair manner allow the PEOPLE to decide the matter for themselves. This latter method is what is asked for in the petitions which have been referred to this committee. As we have precedent for such action, not only in many of the older States of this Union, but in this Territory, in the submission of the questions for or against "Convention" several times, for or against "Constitution," for or against "Slavery," free negroes, &c., matters certainly of not *greater importance*, therefore, we would recommend the passage of a bill, which is herewith submitted, which provides for the publishing and circulating one thousand or more copies of a good form of a law for "Preventing the Manufacture and Sale of Spirituous or Intoxicating Liquors as a Beverage," which form is herewith reported—and for submitting the question "for or against prohibi-

tion," to a fair and impartial vote of the electors of Oregon at the general election in June, 1859.

All of which is herewith respectfully submitted.

W. W. PARKER, *Ch'n of Committee.*

COMMUNICATION.

SECRETARY'S OFFICE,
SALEM, *Jan.* 9, 1859.

The Speaker of the House of Representatives
Of the Territory of Oregon:

SIR—Herewith I have the honor to transmit the statement called for by H. R. 13, adopted Jan. 8th, 1859, which was received by me on the 10th inst.

Respectfully,
Your obedient servant,
B. F. HARDING,
Sec'y of Oregon.

STATEMENT.

SECRETARY'S OFFICE,
SALEM, *Jan.* 11, 1859.

Statement of amount annually paid by the Secretary of Oregon, for rent of Legislative Halls and Offices, and fitting up the same:

Rent of Legislative Halls,	$600 00
" Secretary's office,	150 00
" Library room,	96 00
Sum total of rents,	$846 00
The cost of fitting up rooms, with furniture &c., for the Assembly in winter of 1855–'6, after the burning of the Capitol was	$1233 67
The cost of fitting up rooms, repairing and replacing furniture occupied and used by the Assembly, for the session of 1856–'7 was	$263 92
For the session of 1857–'8 was	338 00
" " 1858–'9 is not yet settled, but supposed to be near	350 00

REPORT.

The House of Representatives of the Territory of Oregon, on the 4th of January 1859, passed the following resolution, viz:

"*Resolved*, that the committee on miilitary affairs enquire into, and report to this House,

Frst. The amount of moneys received from the sale of public property.

Second. The amount paid out, to whom, and for what purpose.

Third. What amount of money remains on hand, and what disposition they propose to make of it.

Fourth. Whether by mistake or otherwise any documents submitted by the Governor, have been omitted to be printed."

Although the resolution above quoted does not specify the particular department of the government, to which the resolution was intended to apply, yet avoiding any mere technical objection, and looking to the history of the proceedings in the House, your committee have no doubt that reference was had to the departments of the Quarter Master' and Commissionary Generals of the Oregon Mounted Volunteers.

Accordingly, the attention of the committee was first directed to the "fourth" proposition contained in the resolution above quoted;

because an answer to it might obviate the necessity of any further enquiry.

The following paragraph may be found on the 12th page of the Governor's message:

"The board of commissioners on the part of the United States, to adjust Indian War expenses, concluded their labors by a suplemental report, a copy of which I have the honor to transmit."

The fair inference is that the copy of the supplemental report of the war commissioners had been furnished the Governor, by some one authorized to do so; and as that report would be quite *unsatisfactory* to the department at Washington, without the accompanying documents, duplicates of which *should* be found in the Quarter Master General's department of Oregon, it is quite likely that such of those duplicates as the Governor might think calculated to meet the public enquiry, in reference to the disposition of the public money, would be transmitted with his message.

In the "supplemental report" referred to, and on the 21st page of the "message and documents," may be found this paragraph:

"The total amount of money from these sales, was seventy-eight thousand six hundred and fifty-six dollars, and forty-nine and three-fourth cents, (78,656 49 3-4) as per "consolidated statement" herewith accompanying."

In view of the fact that Governor Curry had been much importuned, for information upon the subject now under consideration, and as in the opinion of the committee, the "*consolidated statement*" referred to in the last quotation would to be a limited extent calculated to meet the public expectation, it was supposed that it might have been furnished the Governor to accompany the war commissioners' report, and had been sent in with the message to the House, and consequently embraced in the order to print.

The chairman of the committee therefore addressed a note to Governor Curry, who was not then at the capital, requesting information upon the subject.

Before receiving an answer from the Governor, an interview was had with General Drew, who verbally informed the committee that he had the document called a "consolidated statement" referred to by the war commissioners, and that he had obtained it or procured

it to be obtained from the clerk's table, without the consent of the House. He did not desire that the committee should then receive the document, except for inspection, at the same time insisting that the paper referred to, was private property and not intended by him to accompany the message for publication. The committee receiving the statements of General Drew as made in good faith, and being urged by the public printer, Mr. Bush, (who had been charged of suppressing documents ordered to be printed,) to place the matter right before the House, reported to the House that the paper had been taken from the clerk's table without the consent of the House, of which the printer was blameless.

The clerk of the House, Mr. Pyle, finding himself implicated by the report, promptly made known to the committee, verbally, that the documents accompanying the message, as they had been received by him, carefully tied up, were delivered to Mr. Bush, the public printer. There was then no alternative left the committee in justice to the House and themselves, but to institute a further inquiry, and accordingly on the 10th of January another interview was had with the Quartermaster General, at which, written statements were received from different persons upon the subject of the missing document.

In the meantime Governor Curry returned, and was present at this interview, and made his statement in writing, dated January 10, 1859, which is herewith submitted, by which it appears that a document corresponding with the "consolidated statement" (No. 1.) referred to in the supplemental report of the war commission, and submitted by him in his message, had not been printed, and that the suppression thereof from publication, had not been with his consent.

At the same time Mr. Pyle, the clerk, left with the committee a statement (No. 2.) bearing date January 10th, herewith submitted, in which he alledges the delivery of the message, and all accompanying documents to the Territorial printer. The committee did not consider it necessary to prosecute the enquiry further, as General Drew here delivered the document to the committee, and also his statement (No. 3 and 4.) of January 10th, 1859, accompanying this report, in reference to the document, and which document was at the same time identified by Governor Curry, as the one accompanying his message, the publication of which had been suppressed.

The statement of Gen. Drew, last mentioned, speaks for itself; by it the Printer and everybody else, acting in an official capacity, are exonerated, except Gen. Drew, who places *his* defense upon the ground that the "consolidated statement" was made out in his office —that although it had been forwarded to the Governor, it was not designed for publication, and had been sent to the House under a misapprehension of its origin and authority.

On the sufficiency of the excuse for suppressing its publication, the committee express no opinion.

On the 13th of January, a statement was received from Gen. Drew, "supplementary" and "explanatory" of the "consolidated statement" which accompanied the message.

So far as this statement refers to any probable discrepancy in the accounts of "two offices" in the department, it is understood that the amounts in dispute are inconsiderable, compared with the subject of inquiry, and need not have caused any great uneasiness, or subjected him on that account to any crimination. In the remaining portion of the statement, nothing is seen rendering it necessary to have submitted this explanatory document, but as Gen. Drew may, in self-defense, desire its publication, it is herewith submitted.

Before passing from this branch of the subject, your committee deem it their duty to say, that the report heretofore made upon this subject, was premature, and without expressing an opinion as to who, by what means, or where from, the document was taken, they believe that full justice would not be done Mr. J. M. Pyle, the chief clerk, without stating that nothing appears in the least to implicate him, and that his character for honesty and integrity stands unimpeached.

On the 15th of January, a day or two after the committee had closed their investigations upon this branch of the subject, a further communication was received from Gen. Drew, calling the attention of the committee to what he said he omitted to mention, that is: That the Governor had not, in his message, referred to the "consolidated statement," and had not therefore intended to send it in with his message.

The communication of Gen. Drew, last referred to, is also herewith submitted. This view taken by Gen. Drew, is answered in a former part of this report in reference to the supplemental report of the War Commission, sent in by the Governor, which *does* refer to

this very statement, as well as to other papers, copies of which should also have accompanied the message. In this particular, instead of sending one document with the supplemental report of the war commission, the Governor, had it been in his power, might properly have sent several.

Since Gen. Drew's letter was received, no opportunity has offered to learn anything from the Governor respecting the supposition that the document was sent in by mistake of its "origin" and "authority," but in the early part of the session of the Assembly, Gov. Curry stated to the members of the committee that he informed Gen. Drew that the "consolidated statement" would be sent in with the message.

Having discharged the duty required in regard to the "suppressed document," the "first," "second" and "third" enquiries remain to be answered. There is no difficulty in answering to the "first," as a reference either to the "consolidated statement," or to the report of the war commission accompanying the Governor's message shows, that the sum in cash received by all the Quartermaster's and Commissaries from the sales of the public property, amounted to the sum of seventy-eight thousand, six hundred and fifty-six dollars, and forty-nine and three-fourth cents. ($78,656,49 3-4.)

In reference to the second enquiry, your committee, after having examined the "consolidated statement," "abstracts of disbursements," and some of the "vouchers," came to the conclusion, that "*abstracts of disbursements*" of the money received from the sales of property, would satisfy the public anxiety upon this subject better than any "condensed" or "consolidated statement" or "account current," or even the vouchers. The facts upon which they came to this conclusion are these:

The "consolidated statement" only shows general results, "such as the amount of cash from sales," "amount on hand," "amount awarded by the commission to Quartermaster," and the balance due each, after deducting the amount awarded for his service. Take, for instance, the account of Gen. Drew in the "consolidated statement." It shows he received from sales made by himself, seventeen thousand and eighteen dollars and nineteen cents. That on the 31st of July, 1858, he had on hand only twelve hundred and thirty-seven dollars and ninety-six and one-half cents—that he was awarded nine thousand two hundred and one dollars and ninety cents, which leaves a balance

due him (after deducting the amount said to be on hand,) of seven thousand nine hundred and sixty-three dollars and ninety-three and one-half cents. So it seems from this statement that except offsetting twelve hundred and thirty-seven dollars, the balance on hand, against the $9,201,90, the amount of personal service, that you have no account of the difference, viz: fifteen thousand seven hundred and eighty dollars and twenty-two and a half cents.

It is the disbursements of sums like the last, towards which the public eye is directed.

This rule applies to fifteen different Quartermasters and Commissaries, most of whom have subsequently turned over large sums to Gen. Drew, until, as is shown by the report of the war commission, he had received the sum of $35,503,51 1-2, which last sum, as the commission say, he has "disbursed" or accounted for, as is shown by his "account current" and vouchers. The "account current" in reference to this $35,503,51 1-2, is made up of only *six items*, showing the General credit for paying out that sum; but each item refers to an "abstract," showing the persons to whom paid, and for what purpose. The vouchers are very numerous, rendering it impossible, under the circumstances, for the committee to make that use of them that is required by the resolution.

There are two hundred and forty-four of these vouchers, to obtain the information to be derived from these, it would be necessary to make *precisely* such "abstracts" as are now in the office of the Quartermaster General, and which have been made at the public expense, and copies of which your committee earnestly sought to obtain.

Gen. Drew placed in the hands of the committee "a condensed statement," and which, and only which he appeared willing should be published, but it is not more in detail than "account current," and as a means of affording information, deemed more objectionable, refering only to the numerous vouchers, whereas the "account current" refers to the "abstract."

It is due to Governor Curry to say that he urged Gen. Drew to comply with the request of the committee, and no doubt is entertained but that if it had been in the power of the Governor, that the desired information would have been given.

A resolution, reduced to writing, was then adopted by the committee, and furnished Gen. Drew, of which the following is a copy:

Resolved, That Qartermaster Gen. J. W. Drew furnish to the committee on military affairs, under the several items charged in his account current from the 30, Nov. 1855 to 25, Sept. 1857, an abstract of disbursements of moneys received by him from the sales of public property, showing to whom, and for what purpose the same was disbursed.

To which Gen. Drew made a reply bearing date the 12th of January, 1859, and which is herewith submitted.

This reply asserts that an "abstract" cannot be made by the Gen. such as the resolution calls for, and that the vouchers show for what purpose the moneys were paid, with other scattering references.

The committee felt it to be their duty to, and on the 13th January, they did adopt a resolution, somewhat different from the first which was furnished Gen. Drew, of which the following is a copy:

COMMITTEE ON MILITARY AFFAIRS, H. R.
January 13th, 1859.

"*Resolved*, That the committee on military affairs fail to perceive any good reason why Quartermaster Gen. J. W. Drew should not furnish to the committee, or allow them to take copies of the several "abstracts of the disbursements" of the money received from the sale of the public property. The committee therefore renew their request that Quartermaster Gen. J. W. Drew furnish to the committee, copies of the several abstracts of disbursments of moneys received from the sales of public property, to whom paid, and for what purpose. Assuring Gen. Drew, that if a clerk is necessary to enable him to comply, that the committee would provide one."

It was supposed that the resolution, just quoted, would remove all objection or obstacle in the way of obtaining the requisite information, not only in reference to the disbursements by Gen. Drew, but by other officers.

However, a reply was received from the Quartermaster General, bearing date the 13th of January, and which is herewith submitted, which placed it beyond doubt that it was not the intention to furnish the required papers. The enquiry directed by the House, viz:

"What amount of money remains on hand and what disposition they propose to make of it," is not of so much importance, inasmuch as it is not supposed that the sums on hand are very great, compared with the sums disbursed or paid out to the "abstracts," of which reference has already been made. It will appear by an inspection of the "consolidated statement," heretofore suppressed from publication, that there is in it, a column in which is stated opposite the name of each Quartermaster [and Commissary, the] "amount on hand," and also the disposition that is proposed to be made of that amount, which is, that it be estopped against their pay for personal services.

Abstract ("E.") herewith submitted, shows the amount of moneys paid over to Gen. Drew by each officer, as having been received from the sale of public property, which may be useful when taken in connection with the "consolidated statement," showing the amount for which each Quartermaster should account in his "abstract of disbursements," for instance, take the name of L. P. Brown, Quartermaster at Roseburg. The "consolidated statement" shows he received from the sales of public property, the sum of eighteen thousand three hundred and sixty-six dollars and seventy-one cents. ($18,-366 71.)

By an inspection of abstract (E) it appears he paid over of that sum to Gen. Drew, the sum of two thousaned five hundred dollars, ($2,5 00); in the second column of the "consolidated statement" he is shown to have in hand, the sum of twenty-four hundred and forty-five dollars and eighty-eight cents, ($2,445 88); these two sums together deducted from the amount received, leaves the sum of thirteen thousand four hundred and twenty dollars and eighty-three cents ($13,420 83) to be accounted for on his "abstracts of disbursements," which are or *should* be on file in the office of the Quartermaster General of Oregon.

The committee have carefully considered an objection urged against the publication of accounts respecting the disbursements of money arising from sales of property: "That it would prejudice our claims before Congress." We do not view it in that light; if, as is said in the report of the war commissioners, *that they seem to have been made with more than ordinary carefulness, and with an eye to public economy,*" we can see no reason why our claims should be prejudiced by

an exposition of the abstracts of disbursements of money received from sales of public property.

All of which is respectfully submitted.

W. W. CHAPMAN,
Chairman.
D. S. HOLTON,
D. B. HANNAH.

ACCOMPANYING DOCUMENTS.

(No. 1.)

GOVERNOR CURRY'S STATEMENT.

EXECUTIVE OFFICE,

SALEM, *Jan.* 10*th*, 1859.

SIR—In compliance with the request of your committee, I have to state that all the documents transmitted with my communication to the Legislative Assembly on the 9th ult., have been printed, with the exception of a paper, signed by the Quartemaster General of the Territory, showing the amount realized from the sale of public property at the close of the recent volunteer service—the amount retained in the hands of officers of that department—the compensation awarded to said officers by the U. S. commission on Indian war expenses, and the amount still due to said officers; and that the suppression of its publication has not been with my consent.

Very respectfully,

Your obedient servant,

GEO. L. CURRY,

Gov. of Oregon.

COL. W. W. CHAPMAN,

Chairman Military Com.

(No. 2.)

J. M. PYLE'S STATEMENT.

Jan. 10th, 1859.

To the Military Committee:

GENTLEMEN—In reply to your inquiry in regard to the disappearance of a certain document, accompanying the Governor's message, from the clerk's table, permit me to say, that I have no knowledge of any document being taken from my desk. I delivered the message with all accompanying documents to the Territorial printer.

Respectfully,

JAMES M. PYLE, *Clerk, H. R.*

(No. 3.)

GEN. DREW'S STATEMENT.

SALEM, *January 10th*, 1859.

Some time last month, after the Governor's message and accompanying documents had been transmitted to the Legislature, I learned by conversation with Judge Terry, the Governor's secretary, that a certain paper, being a "consolidated statement" of accounts of different officers of different departments of the service of Oregon mounted volunteers, which I had prepared in my office and forwarded to Gov. Curry, had been sent to the House of Representatives with the Governor's message, report of the war commissioners and other documents. As said "consolidated statement" was not made by me for publication, embracing, as it did, merely the results at which I had arrived upon examination of the reports, and accounts current, and vouchers of the different officers of the service, which were on file in my office, I obtained possession of it in order to prevent its publication, at least, until such time as it could be accompanied with proper explanations.

I further state that at the time I obtained it, I believed it had been sent to the House under a misapprehension of its origin and authority, and further that it was obtained by me without the knowledge or consent of any officer or member of the House, or of Gov. Curry, or Secretary Terry, or Mr. Bush the public printer.

JOSEPH W. DREW.

(No. 4.)

DOCUMENT REFERRED TO IN GOVERNOR CURRY'S STATEMENT.

Consolidated Statement of the Amount of Moneys received from the Sales of Public Property from October 11th, 1855, to July 31st, 1858, by Officers of the different Departments of the Oregon Mounted Volunteers, called into service to suppress Indian hostilities in Oregon in 1855 and 1856:

NAMES OF OFFICERS.	RANK.	Amount of Sales.	Amount remaining on hand.	Am't awarded by the Commiss'n.	Balance due.	REMARKS.
Joseph W. Drew,	Quartermaster General, O. T.,	$17,018 19	$ 1,257 96½	$ 9,861 90	$ 7,968 [illegible]	
John McCraken,	Assistant Quartermaster General, O. T.,	2,191 91½	1,565 02	6,894 33	5,259 [illegible]	
James R. Peters,	" " " "	22,548 49	4,281 66	6,903 10	1,721 44	
Loyal P. Brown,	Quartermaster O. M. V.,	15,306 71	2,445 88	5,174 83	2,729 95	
Jabez Hyelat,	" "	3,775 25	1,800 90	5,967 83	4,167 [illegible]	
Samuel S. Mann,	" "	2,499 79½	1,169 09½	2,352 35	1,183 [illegible]	
J. A. Pownall,	" "	1,552 73	133 77	2,683 66	2,549 [illegible]	
Isaac N. Smith,	" "	192 89	429 80	3,131 70	2,701 [illegible]	
O. W. Weaver,	Assistant Quartermaster O. M. V.,	698 50	698 50	941 63	243 13	
M. M. McCarver,	Commissary General, O. T.,	105 00	796 40	4,390 77	3,598 37	
J. B. Wadsworth,	Assistant Commissary General, O. T.,	4,739 00	2,890 41	5,638 93	2,748 52	
P. O. Reilley,	Commissary of Subsistence, O. M. V.,	2,855 00	606 25	3,588 89	2,982 57	
Samuel Parker,	" " " "		193 50	1,879 75	1,756 25	
Henry Saffarans,	Agent Commissary Department, O. M. V.,	101 25				
M. C. Barkwell,	Surgeon General, O. T.,	1,102 09				
	Total,	$78,656 49½	$18,169 24½	$57,749 80	$39,649 35½	

I certify the above statement to be correct, as per reports of the different officers named, now on file in my office.

JOSEPH W. DREW,

SALEM, O. T., *July 31st*, 1858. *Quartermaster General, O. T.*

(No. 5.)

SUPPLEMENT TO "CONSOLIDATED STATEMENT OF MONEYS RECEIVED FROM SALES OF PUBLIC PROPERTY."

Supplement to and explanations of "consolidated statement of the amount of moneys recieved from the sales of public property, from October 11th, 1855, to July 31st, 1858, by officers of the different departments of Oregon mounted volunteers, called into service to suppress Indian hostilities in Oregon, in 1855 and 1856."

The "consolidated statement," as its title indicates, was only intended to show the amount of moneys received from the sales of public property, by different officers of the service, whose account sales are on file in my office. This result is shown in the first column of the statement, and is verified by the different account sales in my possession.

The second column was added to the statement to show the amount of moneys in the hands of officers, as determined by me upon a careful examination of their accounts current, abstracts, vouchers and such other papers accompanying their reports as were on file in my office, at the time the statement was made.

Since the date of the paper, to which this is a supplement, two of the officers, whose accounts are therein stated, have informed me that my conclusions relative to their accounts, as exhibited therein, are incorrect, and since July 31st, 1858, some evidence has been placed on the files of my office to show that the amounts reported by me at that time, as remaining in the hands of the two officers above referred to, are overstated.

The other columns of the statement show the amounts awarded to different officers of the late volunteer service for their official services by the U. S. commission on Indian war expenses in Oregon and Washington Territories, and how much the amounts awarded by said commission to those officers, exceed the amounts of money reported in their hands.

The amounts awarded by the commission are correctly stated in the third column of the statement, but they were not obtained from any official report of the commission which has been made to me,

and with the statements, in the other columns, were furnished by me for the information of the Executive, and not for publication.

JOSEPH W. DREW,
Quartermaster General O. T.

SALEM, O. T., *Jan.* 13, 1859.

(D.)

CONDENSED STATEMENT.

Condensed statement of moneys received on account of the Oregon mounted volunteers, from Nov. 30th, 1855, to July 31st, 1858, and accounted for by Joseph W. Drew, Quartermaster General, O. T.

RECEIPTS.

	AMOUNT.
To cash received from sales of public property,	$17,018 19
" " of different officers of the several departments of the service of the Oregon mounted volunteers,	18,575 32 1-2
Whole amount received and to be accounted for,	$35,593 51 1-2

EXPENDITURES.

	AMOUNT.
By cash paid for articles purchased, as shown by 39 different vouchers,	$ 1,588 21 1-2
By cash paid to 87 different persons employed, as shown by 111 different vouchers,	16,001 00
By cash paid to 41 different persons for articles hired and miscellaneous expenditures, (62 vouchers),	4,485 17 1-2
By cash transferred to different officers of the several departments of the service of O. M. V., and payments made by order of Gov. George L. Curry, (32 different vouchers),	12,281 16
By cash on hand, July 31st, 1858,	1,237 96 1-2
Whole amount accounted for,	$35,593 51 1-2

I certify that the above and foregoing statement is correct and true, as appears from my duplicate accounts current, abstracts and vouchers, now on file in my office, and that all my vouchers for disbursements, transfers and payments of moneys, have been examined in detail by the commission on Indian war expenses in Oregon and Washington Territories, and have been approved and allowed by said commission, as appears from their supplementary report dated at Fort Vancouver, W. T., August 25th, 1858, and as is further shown by the statement of said commission, under their official seal, of their final adjustment of my accounts, a certified copy of which is herewith accompanying.

JOSEPH W. DREW,
Quartermaster General, O. T.

SALEM, *January 10th*, 1859.

(No. 6.)

GEN. DREW'S ANSWER TO FIRST RESOLUTION.

QUARTERMASTER GENERAL'S OFFICE,
SALEM, O. T. *Jan.* 12, 1859.

To the Committee on Military Affairs of the House of Representatives of the Legislative Assembly of the Territory of Oregon:

GENTLEMEN—Your "resolution" of yesterday has been received. It is not in my power to furnish you with the abstract asked for. I cannot make an *abstract* of disbursements which will show both *to whom* and *for what purpose* moneys have been disbursed.

The abstract of moneys paid to persons employed, and for articles hired, and miscellaneous expenditures, show *to whom* the moneys have been disbursed, while the 178 vouchers referred to in the "condensed statement" furnished you on the 10th inst., show *for what purpose* the moneys were paid.

The abstracts of articles purchased, show to whom payments were made for those articles, while the 89 vouchers referred to in the "condensed statement," with my property returns and accompanying

papers, on file in my office, show for what purpose the moneys were paid.

The 32 vouchers for moneys transferred to officers, and payments made by order of Gov. Curry, which are referred to in the "condensed statement," show *to whom* transfers and payments of moneys were made, and the accounts current of those officers, with their accompanying papers, show *for what purpose* those transfers of moneys were made, and how and to whom the moneys were disbursed or accounted for by the officers who received them.

Respectfully submitted.

JOSEPH W. DREW,
Quartermaster General, O. T.

(No. 7.)

GEN. DREW'S ANSWER TO SECOND RESOLUTION.

QUARTERMASTER GENERAL'S OFFICE,
SALEM, O. T., *Jan. 13th*, 1859.

To the Committee on Military Affairs of the House of Representatives of Oregon Territory:

GENTLEMEN—Your resolution of this day has been received.

While I have exhibited and am still willing to exhibit to you all the accounts current, abstracts, vouchers and other papers in my possession, which relate to the receipt or disbursement of moneys, I am unable to find any precedent for the publication of any accounts similar in character to those on file in my office, even after they had been finally audited by the proper departments, but these papers are duplicates of accounts not yet audited by the departments at Washington, although they have been examined, approved and specially commended to the favorable consideration of those departments, by the commission appointed on the part of the United States to audit and allow the accounts of the late volunteer service.

The abstracts you desire, properly accompany the accounts current, and vouchers that support them should be examined in connec-

tion with those vouchers, and ought not to be separated from them even for examination, much less for publication.

My accounts current, abstracts and vouchers support each other and taken together constitute a full and complete set of papers, and I am unwilling to separate them.

If the "condensed statement" furnished the committee on the 10th inst., is not satisfactory, the vouchers referred to in said said statement are now on file in my office, and can be further examined by the committee, and from them can be learned the purposes for which moneys have been paid, while the abstracts asked for by the committee only show, in many instances, to whom moneys have been paid.

Respectfully submitted,
JOSEPH W. DREW,
Quartermaster General, O. T.

(No. 8.)

GEN. DREW'S LAST COMMUNICATION.

SALEM, *Jan.* 15th, 1859.

To the Committee on Military Affairs, H. R. of the Legislative Assembly of O. T.

GENTLEMEN—Allow me to call your attention to what I omitted to mention in my statement to the committee of the 9th inst., viz:—

That the Governor, in his message, alludes and refers to all the accompanying documents which were printed with the message, but makes no reference or allusion to the "consolidated statement" under my signature, which was sent to the House with the documents referred to by him, and published with his message.

The fact that the message contained no reference to the "statement" in question, was one of the circumstances which induced me to believe that it had been sent to the House through a "misapprehension of its origin or authority," or by some other mistake.

Respectfully,
JOSEPH W. DREW,
Quartermaster General, O. T.

(E.)

MONEYS RECEIVED FROM THE OFFICERS OF O. M. VOLUNTEERS.

Abstract of moneys received from Officers of Quartermaster and Commissary departments O M. V, from Nov. 30th, 1855 to Sept. 25th, 1857, by Joseph W. Drew, Quartermaster General, O. T.

DATE.	FROM WHOM RECEIVED.	AMOUNT.
Oct. 20, 1856.	Loyal P. Brown, Qr. Master O. M. V.,	$ 1,000 00
Nov. 8, 1856.	" " " " "	1,500 00
Jan. 5, 1857.	M. M. McCarver, Com'y Gen. O. T.	118 50
Jan. 30, 1857.	Sam'l S. Mann, Qr. Master O. M. V.	1,000 00
Mar. 31, 1857.	Sam'l Parker, Commissary of Subsistence O. M. V.	276 50
Ap'l. 10, 1857.	Jas. R. Peters, Ass't Q. M. Gen. O. T.,	14,599 20
	Total received,	$18,494 20

I certify, on honor, that the above abstract is correct.

Quartermaster General, O. T.

COMMUNICATION FROM TERRITORIAL PRINTER.

SALEM, *Jan. 22d*, 1859.

To the Speaker of the House of Representatives:

SIR—In reading the "proof" of the report of the Military Committee of the House of Representatives, this moment, I discover that said report does not directly relieve the Territorial Printer from inference of having been aware of the withdrawal of the document styled "a consolidated statement." I wish to say that all the papers transmitted by the clerk were given as they were received, unopened, to the gentleman in charge of the public work in my office—that I did not know of what they consisted, and never saw or heard of the paper styled "consolidated statement," until I heard in the House that such paper had been transmitted to the Assembly with the Governor's message, and was not printed therewith. Where, when, by whom, or of whom it was obtained, I had neither knowledge or suspicion.

Respectfully, ASAHEL BUSH,

Territorial Printer.

COMMUNICATION.

EXECUTIVE OFFICE,
SALEM, *Jan*, 22d, 1859,

To the Speaker of the House of Representatives :

SIR—In reply to the resolution of the House of Representatives, passed on the 21st ultimo, I herewith transmit a copy of the correspondence called for by the terms of that resolution.

Respectfully yours,
GEORGE L. CURRY,
Governor of Oregon.

CORRESPONDENCE.

HEAD QUARTERS, DEPARTMENT OF OREGON,
FORT VANCOUVER, W. T., *Jan.* 8, 1859.

SIR—I have the honor to acknowledge the receipt of your communication of the fifth instant, transmitting a copy of the resolutions of the Legislative Assembly of the Territory of Oregon, expressive of the satisfaction of that body in the creation of the Military Department of Oregon by the President of the United States, and of the confidence reposed in the willingness and ability of the Officer assigned to the command, to discharge the duties enturusted to his care.

The Governor of Washington Territory, has but recently notified me of the approving sense of the Legislative Assembly of that Territory on the same subjects.

These spontaneous manifestations of the sentiments of the people of Oregon and Washington Territories, in favor of a public measure, such as the formation of this Department, must be peculiarly gratifying to the highest dignitary of our country, as an appreciation of the wisdom and foresight by which it was dictated.

For the trust and kind feeling the Assembly of Oregon have preferred to my humble services, I thank them with the deepest gratitude. I came among the people of Oregon as a stranger, with but one purpose, to do whatever was right under all circumstances.

I have been received with a friendship and consideration, I did not anticipate; and I am happy to state, I have never visited any com-

munity, whose views and requests have been more in consonance with reason, justice and good sense than those of the people of Oregon and Washington Territories in my intercourse with them.

I esteem myself fortunate in the opportunity of knowing a people, whose history appears a romance, whose deeds are wonderous.

But the destiny of our country is one of advancement, and flattering as your present condition may appear at this time—the same estate in five years from hence would produce mortification and disappointment.

The future teems with such boundless advantages for the Pacific coast of the United States, that the people would be recreant to themselves, to our common country and to the liberties of mankind, did they not continue their history as a romance, to astonish and at the same time to enlighten the world.

Providence has cast their lot in no ordinary sphere. He has given them a country that recalls the fables of the Arabian Nights, with its delightful climate, its exhaustless soil, and its extravagant wealth. The very trees, from their number, size and granduer, indicate that the most magnificent navies of the world will ultimately float upon the Pacific Ocean, bearing the traffic of the Indies to the Esquimaux and the Laplander, as well as to the nations of civilization.

Nature declares by her works, that her laws elsewhere are not the laws by which she is governed here—and that man must rise equal to the occasion to profit by her bounty.

Necessity is already urging the rapid developement of this country, with the condition of security and facility of communication to the eastern States.

Your defence, your existence as a commercial people, your future, depends upon the efforts you put forth to attain these ends. You are young, but you have strength.

California, Oregon and Washington Territories must unite in one demand upon the older States, for the earliest completion of a Pacific railroad. They must show that it is vital to their existence, as a people, worthy of the high destiny which awaits their success, and that they will repay their obligation one thousand fold by increased commerce, energy and enterprise.

They must explain that California alone has eleven thousand square miles of gold lands, of which not more than four hundred have been

but partially worked, and that the present population of the mining districts on the broad expanse of Territory on which they are spread, appear like mere specks dotting the surface of an inland sea.

The exports of gold from the labor of this population amounts to four millions of dollars each month, and should this population be increased twenty or even ten times, we shall have in six months far more gold, than will pay for the most expensive railroad that can be built.

Let those facts be placed fairly before the people of the United States, and such a response will be returned as will cause the world to tremble at the irresistible power of millions of free men, bound together by the greatest enterprise ever attempted by man.

In the interval which must elapse, before the railroad can be completed, is it not incumbent upon our government to render every other available route to and from the Pacific States, of the greatest possible security, safety and despatch, for the transmission of freight as well as passengers? To effect this, does it not appear, there is but one certain and effective measure which we can apply at this time, viz: to cover by a protectorate the entire country from the Rio Grande to the isthmus of Panama? The organizations of the people occupying this section of country cannot be considered as national, and they should not be permitted to interrupt our intercourse. In the scale of civilzation they are but one remove from the Indians occupying our own soil, and like the Indians they must gradually disappear before the improvement of the age, or lend a helping hand to their own advancement.

No other age, no other people have ever achieved such great labors as the people of the United States have already accomplished; but those labors have been confined up to this time to their own development and their own progress. As the foremost nation in the work of liberty, the gaze of the world is now upon them, to establish a policy based upon well defined principles of liberty and intercourse with the rest of mankind, as will obliterate the relics of the feudal ages, and by which the happiness and prosperity of all nations will be promoted.

They must establish the commerce of the Pacific, which is to regulate the commerce of the world, to promote the interest of America and of Asia; for these are the two continents to which it

belongs. This must be done in the face of all the entangling alliances that Europe may bring to bear against it.

The knell of power was sounded in Europe, when the first pilgrim vessel sought a harbor on the western shores of the Atlantic. The peals of that knell have been ringing throughout the world since that time, warning mankind of its translation to America. Its mysterious transformation has excited awe and astonishment in a higher degree than the changes effected by its physical action.

Unlike the power created by the fanatical religions of Asia and Africa, in the early ages, to build up magnificent nations only to show by their sudden disappearance the terrible effects of the exhaustion of the passions.

Unlike the terror stricken power of Europe, which has only been maintained by armed hosts, whose rulers have been executioners, whose temples have been prisons. Unlike any other impulse which has before acted on the heart of man.

The power of the world is now germinating on the soil of the United States in the moral influences that christianity and liberty are transmitting from heart to heart, from understanding to understanding. It is illimitable and will become irresistible. Time nor space cannot effect it. Removing the barriers of race, climate and locality, it calls every nation to its allotted task under its banner. That banner so glorious in its beauty and high emprise, emblematic of the future, as well as the present and the past, and reflecting the nations of the earth, bound together in friendship and brothely love, like the thirteen original States—while the constellation above, like stars of heaven, sheds its light of intelligence, peace and good will upon all.

The time has come for the people of the United States to prepare themselves to wield this vast power. They are now in the pride of manhood among nations, and are responsible that the beacon light of liberty which they have held up to the world must never be extinguished.

Upon the aegis of America the laws of intercourse and the laws of nations must be inscribed, to conform to the new, varied and immense interests to be secured.

Our domestic dissensions must give way before the march of manifest destiny, and we must cease to notice the mote in our neighbor's

ers, that we may observe the benefits we can heap upon him from abroad.

In conclusion, I desire you to inform the Legislative Assembly of the Territory of Oregon, of my earnest assurances to respond at all times to the generous confidence they have extended to this command, and I can pledge the sentiments of the Army to the deepest interest in the welfare and prosperity of this portion of our common country.

The opinion is sometimes entertained that the Army as a body, are exclusive and averse to that intercourse and sympathy with the citizens of the country, so necessary and essential to a proper understanding of each other. This a serious mistake; the Army has at times certain duties to perform, which may give a coloring to such an impression, but none can regret these occurences more than themselves.

As an Officer of rank and of forty years service, I can justly and proudly affirm that in my connection with the Army, it has ever been animated by one sentiment, that of loyality to the people of the United States, and should the occasion arise requiring a selection between the profession of arms and their duties as patriots, the Army will then be found in the ranks of private life.

With the highest consideration and esteem I remain, Sir,

Very respectfully, your obedient servant,

WM. S. HARNEY,
Brigadier General, U. S. A.

To His Excellency,
GEORGE L. CURRY,
Governor of Oregon Territory,
Salem, O. T.